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In the name of the Republic of Texas, Free Sovereign and Independent. To all to whom these Presents shall come or may in anywise concern: I Sam Houston, President, Greeting: Send Greeting.

Whereas by an act of Congress bearing date the twelfth day of November A.D. one thousand eight hundred and thirty six, passed under and by virtue of the Constitution, full power has been duly given to me, in the name and on behalf of said Republic, to nominate and by and with the advice and consent of the Senate to appoint and fully empower a Minister Plenipotentiary to the United States of America.

And Whereas the People of Texas have, by an almost unanimous vote, only ninety three voting in the negative, expressed their wish to be annexed to the United States of America, and also, should that event not take place, it is desirable to make, conclude, ratify and confirm with the said United States, such Treaties of Amity, Commerce and Limits, as may be deemed mutually beneficial.

Now Therefore, I Sam Houston, President of the said Republic of Texas, by and with the advice and consent of the Senate do these presents, do nominate, constitute, appoint, qualify and fully and completely accredit William H. Wharton to the said United States of America as Minister Plenipotentiary of this Republic with full power as such, to open with the Executive and Cabinet of the said United States, at the City of Washington, negotiations touching the recognition of the Independence and Sovereignty of this Republic and touching and concerning all Rights, Privileges and Immunities incident thereto, and touching and concerning all other matters and things which are or may hereafter become desirable to be [illegible].

William H. Wharton nominated Minister to the U. States [illegible]

[illegible] Minister Plenipotentiary [illegible] empowered as aforesaid, to respond [illegible] and other acts, measures and measures to be done and [illegible] of this Republic [illegible] stipulate, conclude and sign in the name and on the behalf thereof any and such Negotiation, Treaty [illegible], whether of annexation to the said United States, [illegible] Boundary, Limits, or alliance, which may be deemed best adapted to the interest [illegible] such Treaties [illegible] the ratification required by the Constitution and the laws of this Republic [illegible] aforesaid. [illegible] hereby ratifying and confirming [illegible] the acts and doings of [illegible] the said William H. Wharton [illegible] Plenipotentiary [illegible] empowered as aforesaid.

In Testimony Whereof, I have signed these presents, and affixed my private Seal there being no great seal of Texas yet provided.

Done at [illegible] Columbia, the eighteenth day of November A.D. one thousand eight hundred and thirty six, and of the Independence of this Republic the First.

(signed) Sam Houston

Seal.

Signed [illegible] Austin,
Sec. of State

Republic of Texas
Department of State

To His Excellency
The President of the United
States of North America

The President of Texas Gen. Sam Houston animated by the most sincere and ardent desire to execute to the utmost extent the wishes of the people and government of Texas that a diplomatic intercourse should be opened with the United States of America for the purpose of procuring an acknowledgement of the Independence of Texas and its annexation to the United States of America on terms of just and equitable reciprocity that will be mutually agreeable to both parties, or of forming treaties of Amity, Commerce, Limits or alliance and regulating and understanding all matters touching the interests and welfare of the Citizens of Texas and of the United States in their intercourse with each other, has to and with the advice and consent of the Senate and in conformity with the Constitution and laws made choice of and appointed William H Wharton to reside near the government of the United States in the quality of Minister Plenipotentiary of this Republic of Texas. He is well informed of the relative interests of the two countries, and of our sincere desire to establish, cultivate and strengthen a lasting friendship and good correspondence between them.

(Margin: Letter of credence of William H. Wharton to the President U.S.A.)

He is also well informed of the wishes of the people and government of Texas in relation to the annexation of said Country to the United States of America and from a knowledge of his fidelity, probity, and good conduct, no doubts can be entertained that he will render himself acceptable to the government of the United States by his constant endeavours to preserve and advance the interests of both nations.

The President of Texas therefore requests that the President of the United States will receive him favourably and give full credence to whatever he shall say on the part of this Republic and most of all when he shall assure the United States Government of our wishes for their happiness and prosperity. Given at the Town of Columbia this 18th day of November 1836, and signed by my hand and with my private ~~seal of office~~ [illegible] there being as yet no office seal provided

signed
S. F. Austin
Secy of State

Republic of Texas
Department of State
Columbia Nov 18th 1836

General instructions to the Hon. W. H. Wharton Minister Plenipotentiary to the United States of America

To the Hon.
W. H. Wharton

Sir

You will herewith receive your Commission as Minister Plenipotentiary of Texas to the United States of America, and also copies of the Declaration of Independence, of the Constitution, and other acts and proceedings in relation to the organization of the Government of Texas,

ted to be used as you may deem expedient in promoting the objects of your mission. The most important of these objects are: First, The recognition of the Independence of Texas. Second, the annexation of this Country to the United States.

You will proceed to the City of Washington C. with the least possible delay, and your own judgment and sound discretion are relied upon fully in selecting the best and most expeditious mode of bringing these subjects before the Government or Congress of the United States. Should difficulties arise as to receiving you formally as Minister until after the recognition is settled, you will urge that subject as the Agent of this Government, for which purpose separate credentials are furnished you to be used in case it should be necessary.

Possessing as you do, the full confidence of the Government, and being acquainted from long residence with the situation and wants of this Country, and the sentiments of the people, you will consider yourself vested with very ample powers in effecting the before mentioned objects of your mission, and that the following instructions are given in explanation of the views of the Government, more as a general guide, than as a positive mandate. It is not intended to embarrass the negotiations with the United States, by any proposed conditions or restrictions on our part. A just reciprocity is our basis, in the full confidence that a similar one will influence the Councils of the United States, you will therefore observe the utmost frankness and candour in all your intercourse with that Government.

Dispatch No. 1 General Instructions No. 1 To William H. Wharton November 18th 1836.

Texas claims the right of being recognized as an Independent Nation on the broad basis that she is so de jure and de facto, that she has organized her political and civil Government which been and is in undisturbed operation, and that she is fully competent to sustain her Independence; and fulfil the duties and obligations of an independent power.

It cannot properly be made a question by a foreign nation, whether Texas is independent de jure and had a constitutional right to separate from Mexico and form a Government for herself, but it may, notwithstanding add much to the moral force of our claims, to show, that we were in fact made independent by the federal Constitution of Mexico, in consequence of the revolution that destroyed the federal compact, which alone bound Texas, in common with the other States to the Mexican Confederation. The destruction of that compact and constitution by revolutionary, violent and unconstitutional means and the consequent change in the System and form of Government, violently severed the bonds which united this Country to Mexico, and absolved the people of Texas, from all allegiance to the federal union, which ceased to exist, and left them free to take care of themselves. It is equally evident that the mere establishment of a new Government by force of Arms and usurpation, cannot and does not impose upon Texas, nor upon any other of the former States, any obligations either, moral or political, to resign the rights and sovereignty with which she was invested, by the adoption of the federal union, or to acknowledge any allegiance or subjection whatever, to such new and usurped Government, other than by the the free and voluntary consent of the people. It is therefore evident that the charge made by the present Government of Mexico, that Texas had rebelled against the Constitutional authority or in any manner violated the allegiance that united it with that nation, is unfounded and recoils with all its force upon those who make it. But before that era, the right of the people of Texas to provide for their own security, and welfare, and do what they consider necessary to selfpreservation cannot be questioned, for it is a natural right that every people possess. more especially when the nation to which they had been previously united is distracted by revolutions, and affords no protection whatever, political or civil as was the case with Mexico in relation to Texas at the time of the separation of the latter and for years previous. Your knowledge of this branch of the subject will however enable you to handle it in a proper manner, should you deem it necessary to touch upon it at all

... in ... important point an... the end ... the United States Government will probably require, definite or Official information as to whether Texas is independent de facto and has established a regular Government and is competent to sustain itself, and fulfil the duties of an independent Nation. On this point, the Declaration of Independence, the Constitution, the Organization of the Several branches of Government, the acts of Congress &c. are conclusive evidence, that a political and civil Government is established, and is republican and liberal. The fundamental laws are all adopted, and in full force and operation. The constitutional executive and Congress have been duly elected and installed, and the latter has progressed with the details of Legislation with great rapidity and wisdom, considering all the circumstances. The Several Subordinate departments of the Government are all organised and in full operation, many of the most important laws for the civil and military Government of the Republic have been passed & are in a great State of forwardness, such as the Judiciary law, that regulating the revenue, imposts, Taxes &c. that organizing the army and many others. These facts, it is hoped, will be ... and conclusive, that a government is established, that is fully competent to fulfil the duties and obligations contemplated by the laws of nations and required by the Situation of Texas, and consequently it is believed that no material objection will be made to our Independence on this point, after it is fully explained by you.

In regard to the present capacity of Texas to sustain herself the Signal and total defeat by General Houston of the army that invaded Texas last Spring commanded by President General Santa Anna in person, at the memorable battle of San Jacinto on the 21st April — the ... ... of the remnant of that Army, and the total abandonment of all the territory of Texas, by the forces of Mexico, and its peaceable possession by those of this Republic, afford evidence which certainly ought to be conclusive of the physical power of the Republic to sustain its Independence. This fact cannot admit of a single doubt, when it is considered that the invasion of General Santa Anna, was made under the most favorable auspices for Mexico, and the most discouraging for Texas. The former was then united under a popular leader, whose influence gave him almost dictatorial powers. He brought a well appointed and disciplined regular army to Texas, of about 8000 men attached to their leader and confident of victory. On the other hand, Texas was totally unprepared for the contest, without organization, civil government, an army, or resources.

At the present time, the whole State of things is reversed. Mexico is in revolution and disorganized, its army dispersed and dispirited, & Texas is looked upon as a dangerous and formidable enemy. The Mexican President General Santa Anna, the leader of her army, is a prisoner and acknowledges that this country is able to sustain its Independence and is lost to Mexico. the same is admitted in substance by General Filisola in his published defence of his conduct as Second in Command under Santa Anna. most or all of the Officers of the defeated army State the same thing, and declare they will never return to this country. Texas at this time has an organized government, in full and undisturbed operation, an Army, a Navy, and the people are all united and confident in their Strength, the population has augmented and is rapidly increasing &c.

When all these circumstances are considered, it cannot reasonably be supposed, that any doubts can exist, as to the physical capacity of Texas to sustain her Independence — Your own Judgment will suggest to you such other reasons, and arguments as you may deem necessary to bring

with him, according to circumstances and the nature of the objections that may be raised to an acknowledgment, should there be any.

Amongst others, it may be important to urge that this measure is fully justified by precedent in the case of South America, and is called for by the great principles of liberty, philanthropy and impartial justice, which form the basis of the institutions of the United States, and of their exterior policy. On this basis, the Republics of South America and Mexico were admitted by the United States into the family of Nations.

The political situation of Texas is certainly much better than most of these States were, particularly Mexico, when President Monroe recommended their recognition by his message of 8th March 1822. Mexico at that time had not adopted any permanent fundamental law or constitution, and did not adopt any until the 4th of October 1824. Spain still held possession of the Castle of San Juan de Ulloa, and the people all over the nation were divided into factions, and in constant political ferment and revolution (See Margin*). In addition to these considerations it is evident that the elements and materials of Texas for forming an Independent republic, on the broad basis of free government, will bear a very favorable comparison with those of any of said States, whose people had been for ages kept in ignorance and in subjection by the despotic Government of Spain. Texas has these claims upon the good will and confidence of the United States, which common origin, language, habits, religion, political principles, kindred and education naturally create. We are in fact one people, separated only by a line similar to that which divides the possessions of a Son from those of his Father.

Sound policy seems to urge the friendly interposition of the United States, for the purpose of terminating the contest between Texas and Mexico, which if continued by the active renewal of hostilities, must inevitably be carried beyond the Rio Bravo, into the thickly populated parts of Mexico, and become in the highest degree injurious to that country, and thus inflame the prejudices against citizens of the United States there, and perhaps produce some outrage upon their rights by land or sea that would disturb the friendly relations and commercial intercourse that now exists between those nations. The effect this war will have upon the tranquility of the Southwest frontier of the United States is at least very problematical. The Indians of that frontier are numerous and warlike and may be disposed to take part on one side or the other, and thus the warwhoop and savage barbarities will swell the tide of human sufferings, and in all probability involve the United States in a war with those indians, or lay her liable to the charge of cold indifference to the calamities of a suffering and innocent people. Should she fail to restrain the Indians from taking part against Texas, or of having evaded or violated the treaty with Mexico, should she not restrain them from making predatory incursions against the Mexicans.

As to the second great object of your mission, which is the annexation of Texas to the United States, you will make every exertion to press it with the least possible delay, using your discretion as to the proper mode of bringing it before the Executive or Congress. It is probable that no action can be had on this point, until after the recognition of our independence, unless the act of recognition and annexation should be simultaneous. The views of this government are that the annexation should be made on the broad basis of equitable reciprocity. It must be effected by a formal treaty which must be ratified by the Senate of Texas in conformity with the Constitution.

In forming and negotiating this treaty, while you bear in mind that it is a favorite measure with the people of Texas, and much desired by them, as is proven by their almost unanimous vote in favor of it at the September election, you must not lose sight of the fact that it is to decide the political fate and interests of the[illegible]

* [illegible]

(See Margin) It is believed that the sovreignty of this Country as an integral part of the American Union, on an equal footing with the other States, is all that the United States will desire, but in the transfer of this Sovreignty, it is very important that the rights of the people of Texas, should be early defined, understood and guaranteed in order to avoid those kind of doubts and constructions which are always a fruitful source of disputes and litigations.

In forming said Treaty of annexation, the right ought therefore to be secured to Texas of becoming a State of the American Union on an equal footing with the other States, and as such to adopt her constitution and present it to the next Congress of the United States for approval, and to organise her State government without delay, so soon as the Treaty of annexation shall be duly ratified by both parties.

The authorities of the Republic that may be in office at the ratification of said Treaty, should continue administering the Government under the constitution and laws of this Republic, which are not contrary to those of the United States, until the Government is organised, so as to avoid an interregnum. Possession should be taken by the United States immediately after the ratification of the Treaty, and Military posts established competent to protect it from Indian or other enemies, especially on the Southwest and northwest frontiers.

As regards the boundaries of Texas, perhaps this question cannot be definitively settled at present, it may however be important for you to explain the views of this Government on this point. you will therefore use the following as you may deem necessary.

We claim and consider that we have possession to the Rio Bravo del Norte, taking this as the basis the boundaries of Texas would be as follows.

Beginning at the mouth of said River, on the Gulf of Mexico thence up the middle thereof following its main channel including the Islands to its most northerly source, thence in a direct line to the United States boundary under the Treaty of De Onis at the head of the Arkansas River, thence down said River and following the United States line, as fixed by said De Onis Treaty to the Gulf of Mexico at the mouth of Sabine. thence Southwardly along the shore of said Gulf to the place of beginning, including the adjacent Islands, Soundings &c. The said Treaty of De Onis calls for the west Bank of Sabine, and the South bank of Red and Arkansas Rivers as the line. It is believed that the chartered limits of Louisiana calls for the middle of Sabine, if so then there will probably be no difficulty in making our line to correspond with those of Louisiana so as to give to us the right of landing, Ferries &c without molestation on the west side. The same alteration should be made if practicable as to the Red and Arkansas River lines, by fixing them in the middle of those Rivers, but should this be objected to, it is presumed the right of landing, and the free use and control of the Banks on our side to low water mark will be secured to us.

Should it appear that very serious embarrassments or delays will be produced by insisting on the above described line, the following alterations might be made on the western Boundary. Instead of the Rio Bravo, beginning on the coast of the Gulf of Mexico, half way between the mouth of the Bravo and the Inlet of Corpus Christi, which is the main outlet of the Nueces River and Bay into the Gulf: thence in a northwestwardly direction following the dividing ridges or high lands that divide the waters of the Nueces River and Bay from those of the Rio Bravo to the hills or mountains in which the main branch of the said Nueces River has its source, and thence following said ridge or chain of mountains &c

[illegible]

so as to strike the River Puerco or Pecas ten leagues above its mouth. Said River Puerco or Pecas enters the Bravo about sixty or sixty miles above the old Presidio of Rio Grande now called Guerrero, situated on the upper road from (Bexar to Monclova.) from the place where the line will strike the Puerco it is to follow the ridge of mountains that divides its waters from those of Rio Bravo and to continue along said mountains above the heads of said Puerco or Pecos to the United States line, at the heads of the Arkansas River. The Bravo as a line would cut off many settlements and some villages of native Mexicans and divide the populous valley of New Mexico. It may therefore be seriously objected to. The other line along the dividing ridge includes no mexican population, except Bexar and Goliad whose inhabitants have joined the cause of Texas and are represented in Congress. — it will include in Texas all the Valleys of the Nueces and and Puerco and all the waters of the Red River and those of the south side of Arkansas west of De Onis line, all of which naturally belong to Texas and we have peaceable possession of it. The Salt Lakes or Ponds between the Nueces and Rio Bravo are of incalculable value, and would supply a great amount of this article in a christalized form. the last mentioned line would divide them, the first would include them all. they are distributed over an extensive tract of sandy County which is of but little value for farming or pasture.

In relation to the future subdivision of Texas into several States, the broad basis of equity upon which it is contemplated to unite this country with the United States seems to require that all future subdivisions should be left entirely to the option and decision of the people of Texas. when the increase and extention of population should render it necessary to the public convenience or interest. The Treaty stipulations agreeably to this principles should only extend to limiting the number or territorial extent of said new States hereafter to be formed and guaranteeing their admission into the union on an equal footing with the other States when petitioned for by the Legislature of Texas in conformity with the Constitution and Laws of the United States.

The future location of Indians within the limits of T. S. south of Red River should be carefully guarded against and the removal on just terms of indemnity of those who are now residing there with acknowledged rights should be provided for. The reasons for this measure are evident when it is considered that they are now partially and soon will be closely surrounded and intermingled with the white population. This stipulation however need not prevent the location of Indians by the United States between Red and the Arkansas Rivers west of the De Onis line. Should any important advantage be gained by such a concession or should the United States earnestly desire it.

Should it be stipulated that Texas is to pay her own debts, she will of course retain the absolute disposal of all the public lands, and should the United States assume our debts the public lands may be relinquished to them, but in the latter case liberal allowances for Schools, colleges, Internal improvements &c ought to be made, and the Salt Lakes or Ponds, and the Springs retained.

All Laws civil or penal, acts and obligations either legal or equitable of the present Government of Texas or of the provincial and all interim Governments which preceded it must be respected and held valid.

The legislation of the present Congress will no doubt settle most or all questions relative to land claims, by legislative provisions, but should anything prevent or retard its completion until its annexation to the United States. all bona-fide settlers in Texas must be protected in their rights to so much lands as they can rightfully claim of the laws under which they emigrated [illegible]

be questioned for want of mere matters of form, or from any failure to comply with formal and unessential requirements such as being a Roman Catholic, cultivation in toto or in any limited time or specific manner, alienation in a limited time, classification of Land, meeting them or mud corners, paying dues to the Government by a fixed day and the like.

On the subject of Land Claims the same broad and fundamental principles of equity should be observed, which are to form the basis of our annexation to the United States. In order therefore to present that part of the subject in its true and proper light, it must be borne in mind, that the people of Texas have undergone great privations, embarrassments and impediments owing to the wilderness situation of the Country in times past, Indian hostilities and especially to the revolutionary state of Mexico and the consequent want of adequate protection or even of local authorities; which impediments have in many instances rendered it impracticable for them to comply strictly with all the minute conditions of the colonization laws although they have complied with the spirit and evident intention of said laws, by populating the country and contributing by their presence and personal services to its improvement and defence. Great care should therefore be taken, not to leave the just titles of such subjects to doubts or to be questioned — These claims are founded upon actual settlement, the sufferings of families, the redemption of this Country from the wilderness, and opening the way to early immigration, in short they have laid a foundation by their labors and past sufferings for independence and all the results that will follow.

There must be no special restrictions or limitations as to slaves in Texas, different from what are imposed by the Constitution of the United States, upon other slave holding States of that nation and all persons of African derivation now in Texas and held as slaves, shall be respected as the property of their respective owners.

A reasonable time should be allowed to persons who may owe debts to Citizens of Foreign Countries, contracted previous to coming here before they can be molested by suits or the payment demanded.

In conclusion, the President directs that you express in the strongest terms the friendly disposition and warm attachment of the Citizens of this Republic towards the Government and Citizens of the United States and the high respect and consideration of this Government and people for the venerable Chief Magistrate of that great and prosperous Republic.

Respectfully
Your most Obt

S. F. Austin
Sec of State

Department of State
Columbia Nov 25 1836

Despatch No 2 Relative To Santa Anna November 25th 1836

Honorable
W. H. Wharton

Dear Sir

Cols Hockley and Bee start to morrow with General Santa Anna for Washington City. The President confidently believes that much good will result to all the parties concerned by an interview between General Santa Anna and the President of the United States. It is very evident that the true interest of Mexico, of the United States, and of Texas, all demand a speedy termination of the war in this country, and the annexation of

Texas to the United States. General Santa Anna distinctly says that he is satisfied of this fact, and will use all his influence to effect it. He thinks that it is all important he should return to Mexico by Washington City, in order to have an interview with the President of the United States, and has permitted to do so.

I enclose you a copy of the secret treaty made with President Burnet it is still considered a "Secret," and therefore ought not to be published by any of us, also a copy of the public treaty, you may possibly need them. Copies of them were enclosed to General Jackson by Santa Anna in his letter of 4th July

There is nothing new except the total loss of the Steam Boat Ocean She sunk yesterday at Brazoria with a full load of merchandize just from the mouth of the River

Yours Respectfully
S. F. Austin
Sec of State

Department of State
Columbia Dec 10th 1836

Honorable
W. H. Wharton

Dispatch No 3 relating to Indian agencies &c Decem 10th 1836

Since your departure Congress has progressed rapidly in completing the details for the organization of all the branches of Government, under the constitution. the greatest harmony and union prevails throughout the Country, The army is rapidly increasing, is well supplied with clothing and provisions, and is better disciplined than it ever has been, for which latter essential improvement ~~we are~~ we are principally indebted to Adjutant General Johnson, formerly of the United States army.

We have rumours of an invasion by land and water, how far they are true it is uncertain, we are however fully prepared to meet them on land, and in a short time expect to be ready for them on sea

Public anxiety is unabated on the subject of annexation to the United States. The opinion in favor of that measure is much more decisive if possible than when you left. It is therefore expected that you will press that matter with as much earnestness as prudence will permit

Rumor occasionally reaches us of the disposition of the Indians on the Northern frontier to take sides in the war against Texas. The Caddo's are decidedly hostile and have committed many depredations. I was assured a few days since by a person of known veracity that the Cherokees of the Nacogdoches district, the Caddos, Comanches, and all the small tribes were under their influence, except the Shawnees, had actually entered into a combination to join the Mexicans last Spring and were preparing to do so when they heard of the defeat at San Jacinto, it is therefore of vital importance to the tranquility of the United States frontier that the American troops should be continued at Nacogdoches and the number increased rather than diminished. This measure is also evidently required by the obligation of the United States to restrain the Indians from committing hostilities within our territory, you will therefore represent this subject to the Government of the United States for the purpose of showing the necessity of continuing the garrison at Nacogdoches

Respectfully Your most
Obt
S. F. Austin
Sec of State

Department of State
Columbia Dec 10th 1836

Hon
Wm H Wharton.

It is certainly desirable that Texas should enter the American union at once, and undivided, but should you discover that this condition, if positively insisted upon, is likely materially to affect the main object, which is annexation, I am directed by the President to say that you are at liberty to waive it, and agree to a territorial Government with the necessary guaranties as to a State Government [illegible] petition [illegible]. This Government has too much confidence in the [illegible] liberal principles on which the United States are governed to doubt that [illegible] ample justice will not be done in every respect.

Should you discover that [illegible] willing to give a quit claim for Texas to the United States, I am also directed by the President to say, that this Government will not object to entering the American union by that means, provided that the leading principles and rights are embraced in your instructions of 18th ultmo. are fully and amply secured to Texas; You will therefore consider yourself invested with discretionary powers as to this particular.

The Army and Navy of Texas [illegible] be provided for in the Treaty of annexation, in such terms as may be considered just and expedient for both parties, you will therefore keep this point in view in the negotiation

Respectfully
Your most obt
S. F. Austin
Secy of State

P.S. You will by no means omit to exhibit your general instructions of 18th ult. to the President and Secretary of State of the United States
S. F. Austin

"despatch" No 4 relation to Annexation Decemr 10th 1836

Department of State
Columbia Decr 14th 1836

Hon
Wm H Wharton.
Sir

In addition to the authority given to you in your letter of 19th ulto. to draw on your outfit of Ten Thousand dollars, the President has directed me to authorise you, and I do hereby authorise you, to draw upon the Secretary of the Treasury for your Salary of Four Thousand Six hundred dollars per annum, as it becomes due quarterly, and to call on David White of Mobile to cash your drafts, in whose hands there will be funds amply sufficient for that purpose.

Should you not have succeeded in cashing the drafts drawn by you under the authority of 19th ult. above referred to you are also authorised to call on David White to cash those drafts, giving to him in both cases timely notice of the call, and advising the Secretary of the Treasury of each draft you draw and by whom cashed.

Respectfully
Your most obt
S. F. Austin
Secy of State

"despatch" No 5 relative To Salary December 14th 1836

Hon
W. H. Wharton
Minister to the U. S.

Department of State
Columbia Dec^r 14^th 1836.

"Despatch" No 6. relative to appointment of Sec of Leg^n Dec^r 14^th 1836.

I have the honor to inform you, that the President by and with the advice and consent of the Senate has appointed Fairfax Catlett Esq^r Sec of Legation of the mission to the United States of America.

The President therefore directs that you receive and present him as such to the Sec. of State of the United States, that he may be officially known and recognised.

Respectfully Your most Ob^t
S F Austin
Sec of State

In the name and by the authority of the Republic of Texas, free Sovereign and Independent, to all whom these presents may concern. I Sam Houston President thereof Send Greeting.

Whereas a Legation has been Sent to the United States of America having for its object the Independence and Peace of Texas, and the permanent Happiness of both Nations.

Now therefore be it known that by and with the advice and consent of the Senate and in virtue of the power vested in me. I do by these presents make constitute appoint and accredit our trusty and faithful fellow citizen Fairfax Catlett Esquire to the said United States of America as Secretary to Said Legation. Giving to him full and ample power as such to take possession of and safely keep all and Singular, the Archives of Said Legation, and to have them at all times in the City of Washington in Said United States, there to remain and conduct the duties of his Said appointment, according to the laws and customs of Nations, in such case required and according to the Instructions of our Minister Plenipotentiary, resident thereat and the instructions of the Secretary of State of this Republic.

Commission To Fairfax Catlett Sec^y Leg^n Dec^r 13 1836.

And in case of the death removal, or other cause of vacancy in the office of said resident minister he the Said Fairfax Catlett, Shall and he is hereby empowered and authorised, on the behalf of this Government, fully and completely to take charge of and superintend the affairs of this republic with the Said United States in all things, until duly superseded in the discharge thereof.

Hereby and hereby ratifying and confirming in every such case all his acts and doings in the premises

In Testimony &c 13^th Decem^r 1836.

Signed Sam Houston Pres^t

L. S.
S. F. Austin
Sec^y of State

Department of State
Columbia December 14th 1836

To
Fairfax Catlett Esqr
Secy of Legation to the
U S of A. Sir

You will herewith receive your appointment and credentials as Secretary of Legation of the mission to the United States of America, and you will proceed with all possible dispatch to the City of Washington and present yourself to the Hon William H. Wharton Minister of this Republic to the United States of America.

It will be your special duty on your arrival at Washington to be subject to the orders and directions of Mr Wharton the minister, and to take charge of and safely keep in a neat and regular manner, all the documents, papers and books belonging to the mission, and generally to do and perform all the duties usually (actually) attached to the office of Secretary of Legation.

In the event of the death or recall of the Minister you will represent the interest of this Republic near the United States of America, until otherwise directed by this Government.

Respectfully Your mo. ob.
S. F. Austin
Secy of State

Instruction to Fairfax Catlett Secy of Legn December 14th 1836

Republic of Texas,
Department of State.

Columbia Dec 16th 1836.

To The
Hon W. H. Wharton
minister to the U S of A
Sir

It has come to the knowledge of this Government through the channel of common rumor, sustained by the statements of several persons of known veracity, that extensive projects are in contemplation to introduce African negro slaves into this country by citizens of the United States in a manner that will equally violate the laws of the United States and the constitutional provision of this Republic on the subject.

It is intended as we have been informed to land said African slaves on the sea shore east of the Sabine River, or on the east bank of the Sabine within the limits of the United States, and there, reship them to this country and thus attempt to bring such introduction of slaves under that clause of our constitution which admits them from the United States exclusively.

This attempt to evade the prohibition of the African slave trade, contained in our constitution, certainly will not be sustained by the tribunals of this republic, but it is also desirable that the Government of the United States should be apprised of such attempts to carry on a piratical commerce by her own citizens through her territory and in American vessels. I am therefore directed by the President to instruct you to lay this subject before the Government of the United States and to request its co-operation on the Sabine frontier & in the Gulf of Mexico, to enforce the laws for the suppression of the African slave trade.

Yours respectfully
S. F. Austin
Secy of State

"despatch" No 7 relative to African slave trade December 16th 1836

Hon
W. H. Wharton
Minister Plen^o to the U S of A.

Department of State
Columbia Dec 19 1836

Sir

(Brig^r General Felix Houston, who is at this time comman-
-ding the army writes officially to the Secretary of War from camp Johnson on
"dispatch" La Vaca, under date (Dec 12) as follows "Travino, a mexican informs me to day that
No 5 when the Cherokee Chiefs were in Matamoros last summer, the interpreter named
relative Niabe Cortinas, who he says has been much with the Indians, and about
to Indian Nacogdoches stayed at his house, and from him he learned that the Indians
destinations had agreed with Urrea to appear friendly with the Texans until the mexicans
Decem^r crossed the Guadalupe, and then they were to march on the frontiers with Ten
19^th 1836. Thousand Warriors."

General Felix Houston writes that he has confidence in this statement of Travino's and believes it to be true. I am directed by the President to communicate this information to you, to be used as you may deem expedient in corroboration of the information heretofore collected relative to the disposition and intentions of the Indians to join the mexicans in the present war.)

I have to inform you that John Woodward Esqr has been appointed by this Government consul General of this republic for the Ports of Boston New York, Philadelphia, and Baltimore and that he is directed to report himself to you on his arrival in New York; and apply through you for a recognition of his consul generalship by the United States Government.

Respectfully Your most Obt
S. F. Austin
Sec of State

In the name of the Republic of Texas, Free, Sovereign and Independent. To all whom these Presents shall come or may in any wise
Commission concern. I Sam Houston President thereof Send Greeting
To Whereas it is the ardent desire and interest of this Government to open an
W H Wharton intercourse between it and the United States Government upon just and liberal terms
and and to procure the acknowledgment by that Government of the Independence of Texas,
Memucan Hunt and whereas according to usage that Government cannot receive a minister from
Agents this Republic until its Independence is acknowledged. Therefore I Sam
to U S A Houston President of the Republic of Texas by virtue of the authority
Decem^r vested in me by the Constitution, do by these presents, nominate, constitute and
31^st 1836. appoint William H Wharton and Memucan Hunt, the agents & representatives of this Government, to the Government of the United States, with full power as such to negotiate for the recognition of the Independence of this Republic with the authorities of that Government, and to do all necessary acts and things for the purpose of effecting the object of their agency.

In Testimony whereof I have signed these Presents, and affixed my private seal, there being no great Seal of Office yet provided. Done at the Town of Columbia this 31^st day of December A D 1836 and of the Independence of this Republic the first.

Signed (Sam Houston) Seal

J. Pinckney Henderson
acting Sec^y of State.

[illegible]

[illegible] Plenipotentiary [illegible]

[illegible] United States [illegible] all [illegible]

[illegible] mutual [illegible]

To The Hon. [illegible]
Sen^r Americo Lima (?)
&c &c

[illegible]

[illegible] you [illegible] Minister [illegible] you have received your Commission [illegible] to the [illegible] United States [illegible]

[illegible] that some difficulties may arise in relation to your [illegible] to the recognition of the [illegible] of the [illegible] the United States, you have been furnished with [illegible]

[illegible] at the [illegible] Government of the United States [illegible] difficulties arise in relation to your reception [illegible] which you will [illegible] act in concert with the [illegible] the [illegible] Minister Plenipotentiary and [illegible] [illegible] to the instructions already given to that [illegible] [illegible] State, together with this letter [illegible] you [illegible] [illegible] organization of that Government since the departure of [illegible] for the United [illegible]

Texas. You will discover by the instructions above alluded to that the points to which
your mission are 1st The recognition of the Independence of this Republic, 2nd
The annexation of this Country to the United States either as a Separate State taken
in on equal footing with the other States of the Union, or as a Territory with the
right to admission into the Union as a State when she can number a Sufficient
amount of population to entitle her to admission according to the Laws of the
United States. You will therefore proceed to the Government of the United States
at Washington City with as little delay as possible where you will confer and act
in conjunction with the resident Minister of this Republic The Honble W H Wharton
and in all your intercourse with that Government you will doubtless use the utmost
frankness and candor. You will urge the recognition of the Independence of this
Republic upon the ground that it is so De jure and de facto. So far as regards the
right of Texas to declare herself Independent or the Sufficiency of the reasons
upon which she founded her Declaration of Independence, it is very clear that
no other nation has the right to enquire into this position, and in all cases upon which
the Government of the United States has heretofore acted been acknowledged, but from
such an enquiry you will not find it necessary to shrink, and your own knowledge
of the causes together with the reasons contained in the instructions heretofore given
to the resident minister at washington will be sufficient to satisfy so just and liberal
a Government as that with which you will have to negotiate should any be required.
Therefore it occurs to me, that the only point, upon which the Government of the united
States will require of you to satisfy it, is whether Texas is Independent Defacto
has established a perfect organized Government in all its parts, and is capable of
maintaining itself. In addition to the evidence of these facts already furnished the
minister resident at Washington, you have been furnished with evidence to show that
the Judiciary has been regularly and completely organised. Since the departure
of Mr Wharton from this Government, the Supreme Court consisting of a Chief
Justice and the Judges of the Superior or Circuit Courts as his associates, the District
or Circuit Courts consisting of a Judge for each circuit or District, and the county or
inferior Courts consisting of a Chief Justice in each county all have been organized by the
late Congress of the Republic, and the Judges of each elected and commissioned and
are now prepared to hold their several courts so soon as the time shall arrive when Congress
have declared they shall hold them respectively, for the evidence to show that the
other Constituent parts of this Government are organised and in full operation
you are referred to the documents and instructions heretofore furnished to the resident
minister. To this end it may not be unimportant to show with what unanimity
and good feeling the late Congress of this Republic acted, and the harmony which
prevailed throughout between it and the Executive, also the entire confidence which
prevails throughout the whole country in the several departments of the Government
upon this point it will not be difficult to satisfy the Government to which you go
that there is no danger of the permanency of this Government being affected by internal
dissentions, another fact bearing upon this point may well be mentioned which is that
of two of the three Gentlemen who were candidates for the Presidency having been
appointed to two of the most important offices in the Cabinet, and all acting
now with the most perfect harmony and good faith. as regards all other facts
bearing upon this point you will find the instructions alluded to above amply
sufficient. Should the Government of the United States have recognized the
Independence of Texas previous to your arrival at Washington, or should it be
done during your stay there, in your capacity as Minister Extraordinary you will
then with the resident minister urge the Second object of your mission: The annexation
of Texas to that Government, in addition to the reasons given in the former
instructions you may urge it on the ground of the very great Commercial advantages
as well as the Naval strength which it would give to the United States for
want of that Government to receive this Country into the union either as a

[illegible] great Power [illegible] [illegible] engage [illegible] limited situation [illegible] from the [illegible] [illegible] [illegible] Texas [illegible] bought should Texas be attached to the United States that would [illegible] these articles principally manufactured [illegible] the [illegible] [illegible] [illegible] this country will reduce the price [illegible] and at the same time keep [illegible] [illegible] [illegible] [illegible] the [illegible] [illegible] in the United States [illegible] thousands, as [illegible] [illegible] the United States a [illegible] will raise the price [illegible] [illegible] [illegible] commercial [illegible] on the production of cotton, lands, the richest and most productive in the world, these fluctuations would [illegible] [illegible] [illegible] [illegible]

On the other hand should the Government of the United States refuse to admit this country into the [illegible] [illegible] all probability in order to gain immediate Wealth Strength and respectability be induced to form a Treaty with England by which all the advantages of Commerce Wealth and Strength would be forever lost to the United States and [illegible] advantages given to a power on her Southern border which [illegible] [illegible] the world.

In a national and defensive point of view it [illegible] to the United States that she should possess this Country with [illegible] [illegible] satisfied to see Cuba the key of the West Indies together with [illegible] whole chain of Islands in the hands of any other power [illegible] [illegible] [illegible] the [illegible] oak in the world which would [illegible] [illegible] Government at a moderate expense to build and keep up a naval force superior to that of any European Nation [illegible] [illegible] [illegible] forests [illegible] [illegible] launch and protect her Navy which would enable her [illegible] [illegible] [illegible] the whole Ocean bordering on South America and the West Indies but take from the United States these advantages and add them to England or any other power and it would hang like an Incubus upon her prosperity.

You may expect perhaps to meet with some opposition to the annexation of Texas to the United States from that portion of the States which is in favor of Abolition or opposed to Slavery. So far as it regards Slavery in Texas, it cannot seriously be made an objection to our annexation, because it will not be increasing the number of Slaves in the world, as [illegible] [illegible] them from Africa or any other Country except the United States the constitution of Texas forbids it and a law passed by Congress punishes any violation of it with death.

In the event that there should be doubts entertained whether a treaty made with this Government for its annexation to the United States would be ratified by a constitutional majority of the Senate of the United States, you are instructed to call the attention of the authorities of that Government to the propriety and practicability of passing a Law by both houses (in which it would require a bare majority) taking in this country as a part of her Territory, this law could be passed (provided Congress has the power to do so) based upon the vote of the people of Texas at the last Election; but in framing such an act, great care should be used in order to secure all of the rights of Texas and its Citizens as well as you are instructed to have them attended to in any Treaty which may be made,

as soon as an impression you can give that Government, in perfect assurance that it will be offered to this Government and people but inasmuch as this is rather a novel position you will speak of it with great prudence and caution

It is desirable under any and all circumstances, that the United States troops now stationed near Nacogdoches, should remain in that position, the position which they now occupy is one the most favourable to promote the great object of watching and keeping the different Indian tribes from commencing hostilities upon the frontier of the United States. and should the Independence of Texas be acknowledged or should no steps be taken towards it. still the great regard which this Government and the people of Texas have for the Government and people of the United States will induce this Government to afford any and every facility in its power to secure to them peace and prosperity.

Intelligence has recently received from Matamoras states that negotiations have been carried on successfully with the Cherokees east of Naches. to commence hostilities against the whites so soon as they are informed of the approach of the Mexican Army upon Texas, The withdrawal of the American Troops stationed at Nacogdoches, from that vicinity, would operate as an inducement to the Indians to commence aggressions upon the Inhabitants, you will therefore urge this upon the consideration of that government in the most impressive manner

The President desires that you should renew the assurance of the very high regard and attachment which this Government and its people entertain for the Government and people of the United States and the distinguished person at its head.

Signed J. Pinckney Henderson
acting Secy of State,

Republic of Texas
Department of State
Colombia December 14/36

To
Fairfax Catlett Esqr
Secy of Legation U S of A. Sir/

I am directed by the President to authorise

F Catlett Esq You to draw on the Secy of the treasury for the Sum of Two thousand dollars
Sec. of Legation being one years salary as Secretary of Legation to the United States of
Decr 14th 36 America and you are hereby authorised to draw as aforesaid

Your most Obt.
S. F. Austin
Secy of State

Columbia Decr 21st 1836

Republic of Texas
Department of State

To The
Hon W. H. Wharton Sir/

Yours of the 2nd of December has been received

by this department, and the Credentials for you as agent of Texas have been m
Instructions out and forwarded to you by General Hunt to be used by you in the event of
to Government of the United States refusing to receive you as Minister, Gen
W. H. Wharton Hunt has been furnished with the like Credentials he has also been
Dec 21 1836 Signed Minister Extraordinary to act in Connexion with you the

Minister Plenipotentiary, to him additional instructions for you both have been given to guide you in your negotiations.

I am directed by the President to say to you that Mr Wolf of whom you speak has no claims upon this Government as the Secretary of Legation has been appointed and provided for.

You will doubtless join with the whole Nation in lamenting the death of its founder General Stephen F. Austin who departed this life on the 27th Instant, he was intered with Military honors. In his death the Country has sustained irreparable loss. That your own good health may long continue is the sincere wish of Yours with the most profound respect &c

J. Pinckney Henderson
Acting Secy of State

Columbia January 12/37

Republic of Texas
Department of State
To The Honble Messrs Wharton & Hunt

Instructions to Wharton and Hunt relative to Santa Anna Jan 12th 1837.

I am directed by the President to instruct you to enter into a negotiation with General Santa Anna before he leaves the City of Washington for an exchange of prisoners so far as regards the manner time and place of the exchange you of cou[rse] must be the judges as this must be done to suit as near as possible the convenience of both Governments. The terms of the Exchange will be those which universally govern such transactions, that is, for all Texians who are now prisoners of war in the hands of the Mexican Government, and who shall hereafter be discharged by that government so shall a like number of Mexican prisoners of war, according to rank be discharged by this government, and as regards the expense heretofore incured by either Government for keeping the said prisoners and that which shall accrue, in the Exchange you are instructed either to settle now or leave it for subsequent negotiation. It is however desirable that the exchange should be made as soon as practicable and if such an exchange can be agreed upon at this time with General Santa Anna and he should be favourably received in Mexico it will facilitate this very desirable object. You will doubtless communicate frequently and fully to this Department your progress in your Mission

J. Pinckney Henderson
Acting Secy of State.

Columbia January 21st/1837

Republic of Texas
Department of State
To The Honble Messrs Wharton & Hunt

Instructions to Wharton and Hunt relative to Indian hostilities Jan 21st 1837.

It again becomes my duty to instruct you upon the subject of Indian hostilities in Texas which may extend in future so far as to disturb the peace and safety of the people of the United States in violation of the treaty concluded between the Government of the United States and the Republic of Mexico on the day of A.D. 183

It is desired by the President that you should continue to urge the propriety on the part of the Government of the United States of stationing a sufficient number of regulars in the vicinity of the Town of Nacogdoches to keep the several tribes of Indians in subjection and prevent their commencing hostilities on the whites as they know no

no distinction of Territory and if they once commence hostilities in Texas it inevitably will extend to the citizens of the United States. (You can assure the Government of the United States that this Government has the fullest assurance and the most satisfactory evidence of which the nature of the case will admit, that the Cherokees and their associate bands have undertaken to assist the Mexicans in overrunning and destroying the people of Texas; that they formed a treaty with Mexico during the last summer at Metamores by their Chiefs and head men by which they engaged to pretend friendship to the whites until the Mexican army by their next invasion, shall have reached the Guadeloupe River at which time they are bound to commence hostilities against the people of Texas in the East so as to prevent them from joining the Main Army. General Urrea paid the said Chiefs at that time One thousand dollars in money and presents, and at the same time gave them a draft on New Orleans for five thousand dollars to be paid in arms and amunition.

These Indians have also undertaken to unite with them in the war, the Northern Indians as well as those of the Prairies, many of these Indian tribes inhabit that region of Country bordering on the waters of Red river and the United States so that the safety of families living on the borders of Texas but in the United States must necessarily be exposed to their cruelties in the event of their commencing hostilities.) You are also instructed to say that the Caddos doubtless encouraged by the said treaty have already committed several murders, that about two months since they murdered Captn Beaston, and several persons who were in Company with him on the Guadeloupe River. It is also reported to this Government from undoubted Sources that the Caddos have within the last two weeks cruelly murdered a family about thirty miles north of Nashville consisting of an old man his wife and several children and about the same time killed two men who belonged to the Rangers in that region.

This intelligence reached the Executive by express, on yesterday. Urge the propriety to the Government of the United States of immediately stationing at least five hundred men at or near Nacogdoches. As this request is made by the Government de facto of Texas and its consent given to the measure, the Government of the United States will be fully authorized in this course. By the law of nations our government is not bound to look beyond the power in possession of the Government with which it acts, it need not enquire who aught to be in power, but who de facto has the administration of the Government at the time of action. If however the independence of Texas is acknowledged by the time you receive these instructions it will remove all difficulty upon this point, but let not this event cause you to relax your Exertions to effect this desirable object. Your own perfect knowledge of the situation of the Country and the great danger to be apprehended from these Indians will of course enable you to make use of many arguments to persuade the Government of the United States of the necessity of adopting the course recommended.

Renew the assurance of the high regard and esteem which the President and people of Texas entertains for the President and people of the United States

Respectfully
Yours &c
J. Pinckney Henderson
Acting Secy of State

Republic of Texas
Department of State
Columbia February 11th 1837

To The Honble Messrs Wharton & Hunt

20.

Sir,

I am instructed by the President to direct you to enter into such negotiations with General Santa Anna or any of the authorised agents of Mexico as may in your opinion and judgment advance the interest of Texas and bring about a termination of the present war between the two Countries, as regards the terms of said intended treaty, you are to be the sole Judges

In great haste
Very Respectfully
J. Pinckney Henderson
Secretary of State

Columbia Feby 13th 1837

Republic of Texas
Department of State
To The Honble Messrs
Wharton & Hunt

The Secretary of State being confined today from indisposition, I am instructed by the President to inform you that since the date of the last communications made to you on the subject of Indian Aggressions on the Brasos, fresh intelligence has been received by him of further Outrages having been committed in the Eastern part of Texas in the neighbourhood of the Neches, within a few days past; two men of a small party having been killed there by the Caddos and their associates as it is supposed, the President instructs me to say that he entertains no doubt, the Indians have been emboldened to the perpetration of these aggressions, by the withdrawal of the U. States troops from this side of the Sabine, and he consequently thinks their immediate return is urgently demanded to prevent the further Occurrence of similar enormities. He has undoubted information of the Course now being constantly practised by the Indians, bordering on Red River; which is, to make incursions upon those districts of Texas which are most defenceless, for the purpose of stealing horses and other property and bearing them off to places of security near and it may be too within the territory of the United States. A large number of fine American horses have lately been seen tied out, near to Red River, which there is no doubt had been stolen by the Indians from Citizens of Texas

These incursions besides being attended with robberies of every kind are but too often signalized by the more deplorable consequences of Murder and bloodshed

It is hoped that the Government of the United States moved by the present undoubted signs of disaffection and disorder on the part of their Indians and of those bordering on their territory will feel the propriety at the earliest moment of interposing within the Confines of Texas, a Military force of sufficient respectability, to to restrain the excesses complained of, as it is certain that they can in no other manner effectually enforce the peaceful behaviour of their Indians and thus discharge the treaty obligations they are under in this respect

2

I have the honor to be
Your Obt
P. W. Grayson Atty Genl

Columbia Feby 19th 1837

Republic of Texas
Department of State
To The Honble Wm H. Wharton

Sir,

Your despatches No 1. 2. 3 and 4 have been received also your despatch of the 15 of January not numbered but which I take to be the next in No and I am instructed by His Excellency the President to inform you that he is well pleased with the prospect of your success in your mission and the ability which you display in conducting the negotiation.

To The Hon ble Wm H. Wharton &
Memucan Hunt

To Wharton & Hunt relative to Indian agencies & Brig Pocket. Feb. 19th 1837.

From recent information received by the Executive in relation to hostilities committed on the frontier settlements of Texas by the Caddoe and Kickapoo Indians it again becomes my duty to instruct you Gentlemen to loose no time and spare no labour in again representing to the Government of the United States the necessity of its again occupying the station it formerly held near Nacogdoches in Texas with a sufficient number of Soldiers to keep those Indians from committing such outrages in future

The information above alluded to as recently given to his Excellency the President of this Republic is that a party of Kickapoos in conjunction with some of the Caddo tribe amounting in all to between Eighty and one hundred warriors made an attack a few weeks since upon our upper settlements on the Eastern waters of the Brazos River and murdered several families; that the attack was made without any thing to provoke it on the part of the Citizens of this Republic and threatens to extend through the settlements in that region as far as the line between this Republic and that of the United States without this government being able to check it owing to the necessity of its holding all the soldiers of the Government in readiness to meet the Mexicans in the west in the event of another invasion from that quarter; These Indians now occupy that region of Country East of the Naches and bordering on the line of the U. States and have emigrated from the limits of the U. States to that region without the consent of this Government or the Government of Mexico and taken possession of the grounds they now occupy, it is rumoured and accredited here that a General combination of the different tribes of Indians in the North and East has been formed and encouraged by the Mexican authorities to commence a general war in that region upon the whites and as those savages have no ideas of the boundary between Texas and the U. States, or their seperate political existence they will not confine their aggressions to our citizens alone, 500 Soldiers Stationed near Nacogdoches alone can prevent the continuation of such depredations

You mention in your despatch No 4 that complaint had been made to the Government of the United States by some officers of Brig Pocket, You can assure that Government that this Governmen

at any time cheerfully hear the claimants, and give all such as are entitled to it speedy justice as soon as their claims are properly laid before it

I have the Honor to
be Gentlemen Yours
J. Pinckney Henderson
Secy of State

Columbia February 28th 1837

Republic of Texas
Department of State
To The Honble Wm H. Wharton

Sir

To Wharton, giving permission to return. Columbia Feb 28th 1837.

Your communication No 6 February 2nd has been received by his Excellency the President but the other you refer to as having been sent by Major Patton has not yet reached him. You request permission to return home as soon as the Congress of the United States adjourns I am instructed by his Excellency to say to you that he regrets that such is your request and desire, but that you may have leave to return after the period refered to, and further I am directed by his Excellency to instruct you to hand over to the Honorable Memucan Hunt before you take your departure all official papers in your hands connected with your Mission as he will be instructed at the same time to remain as resident Minister in your stead

I am with High consideration
Your Humble Servant
J. Pinckney Henderson

Republic of Texas
Department of State
To The Honble Memucan Hunt

Columbia February 28th 1837

Sir

To M. Hunt. instructions to remain as resident Minister Columbia Feb 1837

The Honble Wm H Wharton having asked and obtained leave to return home, after the Congress of the United States shall have adjourned, I am directed by his Excellency the President to instruct you to remain at the City of Washington as resident Minister after his departure you will receive from that Honble Gentleman all of the official documents in his hands in any way connected with his and your mission which he has been instructed to deliver to you

It is desirable that frequent and easy communications should be established between the Citizens of the United States and those of Texas by means of regular mails in the Territory of the two governments, which shall regularly meet at proper points on the dividing line and this government having established regular weekly mail lines to Gaines Ferry on the Sabine river and also to Ballous Ferry on the same river you are therefore instructed to use all necessary exertions to induce the Government of the United States to extend their mail route to each of those points so as to accomplish this desirable object.

You will from time to time and frequently communicate to this department the progress of your Mission

I am with the highest Consideration

Yours &c
J. Pinckney Henderson

Republic of Texas
Department of State
To The Hon^ble Memucan Hunt

Columbia March 14th/1837

Sir/

To Memucan Hunt
[illegible] depredations [illegible]
Columbia
March 14th 37

There is nothing connected with your duty as the Representative of this Government at the Court of Washington which requires more constant attention than the subject of Indian hostilities in Texas to which you have been so frequently instructed to call the attention of the Government of the United States. News of new depredations and murders by the Indians reach His Excellency every week. This day news has reached him that the Hon^ble Mr Robinson a member of Congress and five of another family have within the last ten days been murdered by the Caddo Indians. Those Indians have come over from the Territory of the United States and settled or rather are now wandering over that of Texas without any permission from this Government or that of Mexico before our seperation by the declaration of our Independence and by the treaty with Mexico that the Government of the U. States is bound to keep those Indians and all others within its territory from committing depredations on the Territory of this Republic. These facts you will not delay in laying before the proper authorities at Washington and urge the necessity of that Governments immediately mounting at least 500 men to range on the frontier between Red river and the Brazos River to prevent depredations of a like character in future.

I am with Great
Respect &c
J. Pinckney Henderson

Republic of Texas
Department of State
To The Honb^le Memucan Hunt

Columbia April 2nd 1837

To Memucan Hunt
with Townsend's
commission as
Consul accompanied
Columbia
April 2nd 1837

Accompanying this you will receive a copy of the commission of Nathaniel Townsend Esquire as Consul for the Port of New Orleans, which you are hereby instructed to give full faith and credit to. It will be necessary for you immediately to apply to the Government of the U. States, and produce the Commission in order to obtain his Exequatur as Consul in the accustomed manner, which you will forward to him immediately

Yours Respectfully
J. Pinckney Henderson
Sec^y of State

Executive Department
Republic of Texas

To His Excellency
Martin Van Buren
President of the United States

Sir

I have the honor to [illegible] of credence which will be presented by General Mem[ucan]

[Margin: Martin Van Buren, letter of credence to Hunt. Houston 12th May 1837.]

to your Excellency that Gentleman whom I have commissioned as Minister Plenipotentiary and Envoy Extraordinary of this Government near that of the United States

The objects of the Mission of that Functionary are generally to cultivate friendly relations with the U. States and there being others which do not admit of convenient specification in this letter, I have respectfully to refer you to such communications as he will find it his duty to make under the instructions he has received to the proper Department of your Government on the special subjects with which he is charged.

And I have also to request that full faith and credit may be given to all he shall say on the part of this Government

Given under my hand and Seal of the Republic of Texas at Houston this 12th Day of May 1837 and in the year of the Republic the second

Sam Houston
President of the Republic of Texas

[Margin: Commission to Henderson as Agent to Great Britain. Houston June 20th 1837.]

In the name of the Republic of Texas: Free Sovereign and Independent

To all whom these presents may come or in any way concern—

Greeting. I, Sam Houston President of said Republic, by virtue of a resolution passed by the Congress of the same bearing date the 15 day of May Ult. conferring on me full power to nominate and appoint, an Agent to the Court of Great Britain, for the purpose of soliciting and procuring the recognition by that Government of the Independence of this Republic, do, by these presents, by and with the advice and consent of the Senate, nominate and appoint J. Pinckney Henderson said Agent to effect the object contemplated by the resolution aforesaid. And I do hereby authorize and empower him the said J. Pinckney Henderson, to hold such intercourse with the department of Foreign affairs of the Government of Great Britain, as that Department may see fit to accord and as may be meet for the object in view

In testimony whereof I have signed these presents and affixed the great Seal of the Republic, at the City of Houston this 20th day of June A.D. One thousand eight hundred and thirty seven and of the Independence of this Republic the second

(Signed) Sam Houston

R A Irion
Sec'y of State

[Margin: Commission to J. Henderson as Min. Plenipo. to Great Britain]

In the name and by the authority of the Republic of Texas

I Sam Houston President thereof, by and with the advice and consent of the Senate, do, by these presents constitute and appoint J. Pinckney Henderson Minister Plenipotentiary of this Republic, near the Government of His Majesty the King of Great Britain And I here by invest him, the said Minister, with plenary powers to enter into any

negotiation or Treaty on the part of this Government with that of Great Britain, which he may deem meet, and expedient under his instructions, for the interests of this Republic. Any such treaty being as required by the Constitution, subject to the ratification of the Senate.

In testimony whereof I have hereunto set my hand and affixed the seal of the Republic this 20th day of June One thousand eight hundred and thirty seven and of the Independence of the Republic the second

(Signed) Sam. Houston

R. A. Irion
Secy. of State.

Republic of Texas
Executive Department.

To the Rt. Honble.
Lord Viscount Palmerston
His Majesty's principal Secy of State
For Foreign affairs

Sir

Letter of Credence to Lord Palmerston in behalf of Henderson as Agent to G. Britain Houston June 20th 1837.

I have the honor by this letter of Credence which will be presented by General J. Pinckney Henderson, to acredit to your Lordship that Gentleman whom I have commissioned as an Agent to the Department of Government of Great Britain over which you preside.

The immediate object of the mission of this Agent is to procure the recognition of the Independence of this Republic by your Government. To this end it is hoped he will be able to present to his Majesty's Government, such reasons for the Action on its part which is solicited, as will prove satisfactory.

In conclusion I have the honor to request that full faith, and Credit may be given to all he shall say on the part of this Government.

Given under my hand and great seal of the Republic at Houston this 20th day of June A.D. One thousand eight hundred and thirty seven and in the Year of the Republic the second

(Signed) Sam. Houston

Ro. A. Irion
Secy of State.

Commission to G. S. McIntosh Sec of Legation to embassy to England. Houston, 20th June 1837.

In the name of the Republic of Texas, Free, Sovereign and Independent,

To all to whom these presents may come, or may in any wise concern

Greeting

I Sam Houston, President of the said Republic, by virtue of a resolution passed by the Congress of the same, bearing date the 5th day of June instant conferring on me full power to appoint a Secretary of Legation to the Embassy to England, do, by and with advice and consent of the Senate, nominate and George S. McIntosh Secre[illegible]

The seal of the Republic to be herewith affixed.
Done at the City of Houston this 20th day of June A.D. 1837
(Signed) Sam Houston

R. A. Irion
Secy of State

Department of State
Houston June 22nd 1837

Sir

I am instructed by the President to address you this communication on the subject of the annexation of this Republic to that of the United States

Your long acquaintance in the United States with prominent and influential politicians of that country and the interest you must feel for the success and prosperity of both, has induced the belief that your services at Washington City during the discussions that will shortly take place there on the subject of annexation will be beneficial to this country You are therefore requested and hereby authorized and empowered to act privately in conjunction with our resident minister there Gen. Hunt and consult him on all matters touching our relations with that Government and especially to urge and for that purpose employ every means in your power to effect a speedy annexation.

To Genl. J. T. Mason relative to annexation 22d June 1837

I feel assured that you will perform this service with fidelity and zeal when you reflect on the importance of the measure and the immense benefits that will flow from its consummation.

This is perhaps the only time when so desirable an end can be accomplished for the question will necessarially become more and more embarrassed as our engagements with that and other powers multiply which may in a short time, increase to such an extent as to render it entirely impracticable. In order to prevent any misunderstanding in the next despatch to Washington our Minister will be notified that you are thus empowered to consult and act with

I have the honor to be
Your Obt Servant
R. A. Irion
Secy of State

To Gen. John T. Mason

Republic of Texas
Department of State
Houston June 25th 1837

To The Honble
J. Pinckney Henderson

Sir,

You will receive herewith your Commissions as agent and Minister Plenipotentiary of this Republic to Great Britain and France.

The recognition of the Independence of the Republic of Texas being the immediate and most important object of your mission you will proceed with the least possible delay to London for the purpose

of submitting this subject to the consideration of His Majesty's Government.

The ample powers embraced in your commissions, your intimate knowledge of the wishes and interests of the people, of our political condition and the implicit confidence which the Government reposes in your fidelity zeal and ability in the service of the Country, render detailed instructions on this subject unnecessary

It seems proper nevertheless, to remark that in negotiating for this purpose it should be borne in mind that Texas is now absolutely an independent Power, is recognized as such by the U. States, with a civil and military Government in successful operation that she is fully competent to maintain this attitude among nations, notwithstanding the efforts of her enemies; consequently she has a right to expect to be recognized on the basis of reciprocity, and placed by such acknowledgement on the footing of the most favored nations; on which conditions you will uniformly insist

On the subject of Slavery you can say with candor and truth admitting that its institution was cruel and impolitic, that under existing circumstances, owing to the peculiar organization of the Government, the nature of the climate, the habits of the people and the locality of the country, it must continue as provided by the Constitution and laws: at the same time it is a striking fact that the condition of slaves in this Republic is far more tolerable than in the U. States, from whence alone they can be introduced. Why then should their emigration be discouraged?

Instruction to J. P. Henderson June 25th 1837

By emigration their condition is greatly ameliorated without increasing the number of slaves.

In the event of Success in obtaining the recognition of independence you will then present your credentials as Minister Plenipotentiary, and ascertain as correctly as possible the nature of treaties into which that Government will be inclined to enter with this, report such information and wait further instructions

It is the desire of the President that you will make the necessary inquiries relative to a loan, and advise this Government whether it can be effected in Europe, and if so on what terms

The President directs that you express to that Government the very friendly disposition of the Citizens of this Republic towards the people of England, and their high regard for the Sovereign, who presides over that powerful Kingdom

Should you deem it advisable to visit France for the purpose of soliciting the recognition of our independence by that Power you will observe the same policy as that indicated in regard to England

Very Respectfully Your
Obt Servant
R. A. Irion
Secy. of State

Department of State
Houston June 26th 1837

To the Honble
Memucan Hunt

Sir,

I am instructed by the President to call your attention to the various subjects embraced in this communication

At the late session of Congress a resolution was passed authorising the President to appoint a commissioner to act with a corresponding one on the part of the U. States to define and mark

line between the two Governments. It is desired that you will bring this subject before the authorities at Washington and urge the appointment of a commissioner for this purpose; and fix the time for their meeting on the Sabine.

In negotiating on this subject you will be governed by the stipulations of the Treaty of Limits entered into by Spain and the U. States of North America in the year 1819: and the subsequent ones between the latter Power and Mexico, ratifying the same.

This treaty enjoins that the line shall commence at the mouth of the Sabine, run up that stream to the 32nd degree of North Latitude; thence due north to Red River, according to Melish's Map, on which conditions you will insist.

It is not, at the present time intended to run this line farther than Red River. Owing to the provision that the General Land Office shall open on the 1st of October next agreeably to existing laws, it becomes very important that this line should be defined previously to that time if practicable, for it should be the base of the surveys in that quarter.

In a very short time after notification this Government can have a Commissioner on the Spot. Another subject connected with this is Coffee's Trading House on Red River. He is, doubtless, within the limits of this Republic, being West of the 100th degree of W. Longitude from London.

Instructions to Memucan Hunt June 24th 1837.

This trade tends to keep up and encourage the depredations of the hostile Indians on our North Western Border, by affording them, relatively, a good market for horses and other property forced from the frontier inhabitants; thus presenting to the cupidity of those wily savages, at all times, strong temptations to murder, robbery and theft; which they are now perpetrating to an extent that renders it necessary to send an expensive expedition against them.

You will remonstrate with that Government and endeavor to effect his removal by the authorities thereof.

The Caddoes a daring and enterprising North American Tribe, who have obtruded themselves into our Territory in flagrant violation of treaty stipulations between Mexico and the U. States, seem to be the leaders of those hostile Bands, you will again earnestly solicit the early attention of that Government to this subject; and offer as a theatre for Military operations, should they attempt their removal from Texas a free passage for troops as far as the Trinity and the privilege of establishing depots, Garrisons &c. any where East of that River; in which event provisions, may be transported in keel or small Steam Boats up the Naches and Trinity for their supply.

Another subject and by far the most important of all on which I have been instructed to communicate is that of annexation. you will renew the application for this purpose and urge as speedy action thereon as possible.

On the success of this measure our permanent prosperity and perhaps existence, as an organized Government, mainly depends. The longer it is delayed the more we will be trammelled by foreign obligations and treaties, which will obviously tend to increase the difficulties to be encountered in the consummation of that desirable end; and finally place us beyond the reach of that remedy which we hope is now in our power which will heal our numerous political afflictions; create stability, confidence and harmony among the people

thereby, leading directly to the most happy results

It is useless for us to deceive ourselves on this subject and it becomes my duty to inform you that the situation of the Country is deplorable. We are without credit abroad and our resources are exhausted at home; and things generally are veering towards anarchy, violence and insubordination.

Annexation is the remedy, and it is expected that you will exert yourself to effect it. In discussing this subject you will refer for information to the instructions to the Hon Wm H. Wharton, by the late Secretary of State S. F. Austin, bearing date 18th Novr 1836. It is ample in its details, presents a clear view of the situation of the Republic and the wishes of the people.

Your communication to the President dated Vicksburg June 1st inst. together with other letters therein named have been received and referred to the proper Departments.

It is supposed that the Hon: William H. Wharton was the bearer of important Despatches to this Government, they may be lost. If so you will forward copies of the same as early as possible.

Rumor says a Chargé d'Affairs and Commissioner to run the boundary line have been appointed of which we have had no official information. if true; Since writing the above Despatch No 7 from Mr Catlett, Secretary of Legation dated Washington City May the 25th 1837. was received, with regard to which I have to observe that the President left yesterday for Nacogdoches on business connected with the indian expedition, and I do not feel competent to authorise the Modification of the instructions alluded to; but I am confident, should there be any objection to our admission as a State that it will be satisfactory to go in as a Territory, and that this modification will be authorized when the President returns. I am clearly of opinion that the true interests of Texas would be promoted to a greater extent by being annexed to the U. States as a Territory— than as a sovereign State. Independently of treaty stipulations the liberality wisdom and justice of the Judiciary of that country will afford a strong guarantee for the protection of all rights acquired under laws Existing anteriorly to such admission.

Under every aspect of the case it is necessary that a speedy decision of the U. Sts Government on this subject should be known.

One of the most striking reasons, is, that our condition imperiously demands that we must be intimately associated with some strong power, to whom in forming an advantageous treaty important concessions of privileges will have to be granted. Our Agent Genl. Henderson has gone to Europe whose instructions will depend much upon the course adopted by the U. States. The solicitude thus expressed does not originate from any particular apprehension of the Enemy's efforts against us; but is owing to the difficulties consequent upon a small population scattered over an immense territory sustaining a seperate Government without means, credit or even harmony among themselves.

Such candor and my duty as the official organ of the Government require me to inform you of our situation. Visionary schemes of a glorious Republic are less calculated to advance the true interests of our Country than the practical common sence propositio[n] to become a part of a great nation firmly established, and to participate in common with them security prosperity and

I forward you herewith

as having been misplaced at the outset

Respectfully Yours
Obt Servant
& Friend
Secy of State

To
Honble Memucan Hunt
Minister Plenipotentiary of the
Republic of Texas Washington D.C.

[illegible]

To Honble M. Hunt
Washington City

Sir

[illegible] this Government [illegible] with [illegible] on all subjects touching our diplomatic relations with the U. States Government. From his experience and personal acquaintance with many of the politicians of the U. States it is believed that he will be enabled to render important service in this great and paramount object. [illegible] you will co-operate fully with him in all such matters

Respectfully Yours
Obt Servant
& Friend
Secy of State

To Genl Hunt
[illegible]
June 2[illegible]
1837

Department of State
City of Houston July 14th 1837

To
The Honble Memucan Hunt
Minister Plenipotentiary of the Republic of
Texas Washington City

Sir

I have the honor hereby to acknowledge the receipt of a communication dated Washington 17th June ultimo (being despatch No 19) from Fairfax Catlett Esqr Secretary of Legation, with a copy of a letter from Mr Forsyth, Secretary of State of the U. States addressed to said legation, on the subject of the land District on Red River, recently established by an Act of the Congress of this Republic, in the Territory under the jurisdiction of the State of Arkansas. It is true that the citizens of Miller County of that State have elected and sent members to the Congress of this Republic who have been permitted to participate in the legislation thereof, and a land District established by said act for the purpose of extending to them titles by this Government to lands of that County. In regard to this subject I have to inform you that the President is still absent at Nacogdoches, and I do not feel authorized to give any positive instructions thereon but will submit the same promptly to his consideration when he shall return. It is certainly a matter of much importance to both governments, and this despatch is the first official information that has been received of the appointment of a Commissioner on the part of the U. States to run the Bound-

To Genl Hunt
[illegible]

=ary line, The President has not made the appointments necessary to carry said land law into operation, and, since this remonstrance is made by the U. States I am confident he will not make them, so far as said district is concerned, until the question of boundary shall be definitively settled. I would moreover remark that this Government has no disposition to adopt any measures calculated to disturb the friendly relations that now exist between the two countries, nor persevere in a course tending in the remotest degree to lay the foundation for such a result, which assurances you will respectfully make to that Government. If they claim as citizens the inhabitants oceupying that territory, and deem it improper for them to legislate in this Republic, they certainly have it in their power to restrain them, until it shall be determined whether they owe allegiance to the U States or, to Texas. The Constitution of this Republic, which is the paramount law where its provisions are specific, guarantees to the people of Miller, or Red River County, where said land district is situated, the right of representation in the Congress thereof, of which privilege they cannot be deprived unless by an order of that Government.

Despatch No 18 has not been received.

I have the honor to be
Sir Your Obt Servant
R. A. Irion
Secy of State

P. S.

I addressed you on the 26th Ultimo at which period no official information had been received relative to the Charge "d' Affaires or Commissioner to run the boundary line; and the only official intelligence on the subject of those appointments is the incidental reference to it in the communication of the 17th June.

Department of State
City of Houston August 13th/37

Sir

To Genl. Hunt relative [illegible] Aug 1837

I have the honor to informe you that your communication of the 12th Ultimo marked despatch No 23, has been received submitted to the President and duly considered.

The able manner with which the various topicks connected with our diplomatic relations with the United States have been discussed, and your zealous support of the interests of this Republic, as evinced in that despatch, I take great pleasure to state, is highly satisfactory to the Government and gratifying to the Executive.

The policy of this Government with regard to annexation continues the same. To what extent the instructions heretofore given on this subject may be modified consistently with the interests of Texas must in a great degree be left to the judgment and discretion of yourself and those friendly to our cause, who are aiding or may assist to consummate this paramount measure. In the spirit of those instructions you will make the conditions as favorable for Texas as possible.

With respect to the South western boundary this Republic claims to the Rio Grande. Should the United States however object to this extension of our Territory insit only on the former limits of Texas which were fixed by the Government of Mexico at the River Nueces.

Should insuperable objections arise to receiving this Republic as a State negotiate for admission as a Territory.

In either case stipulate that the United States shall assume the payment of a [illegible] to amount of

national debt; and for a general guarantee for the protection of all legal and vested rights acquired under this and former governments.

In reply to the remonstrance of the U. States by Mr. Forsyth protesting against the Act of the Congress of this Republic establishing a Land district including territory claimed, and in the occupancy of the State of Arkansas, I addressed you on the 14th July ultimo, during the absence of the President, to whom, since his return, both have been submitted.

He approves my communication on that occasion and in order to prevent any further misunderstanding with that Government on this subject; and as the only means within his power of remedying the evil, he has issued a Proclamation convening congress on the 25th September next, in order that they may suspend the operation of the law which requires that said Land office shall be opened on the first monday of October, until that boundary shall be defined.

Very respectfully
Yr. Ob. Servant
R. A. Irion
Secy of State

Hon.ble Mm. Hunt
Minister &c
Washington City

Department of State
City of Houston Aug. 15/37

To Memucan Hunt, relative to Col. Grayson's visit. 5th 1837.

Sir

Col. Grayson intending shortly to visit Washington City the President has instructed me to inform you, that he is fully authorised to confer with you on all matters touching the intercourse and diplomatic relations between the Government of the U. States and this Republic; in whom you will find an able coadjutor in effecting the great object of annexation and to whom I refer you for much useful information relative to our present political condition at home.

The Col's visit to Washington has caused my communication of this date to be more brief than it would have been, he being well acquainted with the views of the Government.

Very respectfully
Yr. Ob. Servant
R. A. Irion
Secy of State

Hon. Mm. Hunt

Department of State
City of Houston Aug. 15/37

Fairfax Catlett Esqr.
Secy of Texian Legation
Washington City D. C.

To Fairfax Catlett relative to ... &c Aug 15th 37.

Sir

Your communication of 10th June last past, marked despatch No 18, came to hand a few days since, and has been considered; with regard to which I am happy to inform you that the information therein contained is satisfactory and will be useful to this Government.

By the existing laws there are no provisions for the allowances and regulations suggested, and the Executive has no power to establish them, Congress alone having that power. These subjects will be submitted to Congress at an early day, and as it is just and customary with other Countries, the same regulation

will doubtless be authorized by that body

There are no available funds at the disposition of the Government at the present moment.

Respectfully
Yr. Obt. Servant
Ro. A. Irion
Sec'y of State

Department of State
City of Houston Dec^r. 1. 1837

To Hon. A. La Branche [illegible]

Sir

I have the honor of acknowledging the receipt of your communication enclosing the Commission of Mr. Stewart Newell as consul of the U. States of North America for the Port of Velasco in this Republic, and transmitting herewith his Exequatur, and also returning his Commission.

The arrival of the Consul Mr. Newell is another event in our foreign relations of the most pleasing and satisfactory character, and evinces on the part of our "mother Country" a disposition to establish commercial relations with us, in regard to which subject this Government feels much solicitude and will promote its regulation on principles of liberality and justice.

I have likewise the honor of acknowledging the receipt of your Communication of yesterday on the subject of the Brigs Packet and Durango, and of assuring you that it will receive that prompt, candid, and decided action which its peculiar nature and importance demand of this Government

I have the honor to be Yr's
With great consideration
and respect
R. A. Irion
Sec'y State

Honble. A. La Branche
Charge d'Affaires
U. States

Department of State
City of Houston Oct^r. 25^th. 37.

To Hon. A. La Branche [illegible] 1837.

Sir

I have the honor hereby to acknowledge the receipt of your note of yesterday, informing me of your arrival in this City as Charge d'Affaires of the U. States Government, to that of the Republic of Texas, and asking the appointment of a time for an interview. In reply I have the honor to inform you that I shall be happy to receive you at my Office on tomorrow morning at 11 O'clock.

With great consideration and respect I have the honor to be
Your Obt. Servant
Ro. A. Irion
Sec'y of State

Honble. Alcée La Branche
Charge d'Affaires
of United States

Department of State
City of Houston Sept 20^th 37

Sir

I have the honor to acknowledge the re- [illegible]

[illegible] [illegible] [illegible] to his Excellency the President.

The [illegible] to the [illegible] [illegible] Indians who have from time to time intruded themselves into Texas in violation of the 33rd Article of the treaty of limits between Mexico and the U. States. Bands of the following Tribes may be enumerated, viz. Cherokees, Cadoes, Kickapoos, Shawnees, Delawares, Creeks, Seminoles, Cuchatas, and Biloxies. These Bands are interspersed through Texas at various distances from each other from the Gulf of Mexico on the east to the Cross Timbers on the West, living during a part of the year in villages for the purpose of raising corn, and the remaining portion of the year [illegible] the country from the Rio Grande to Red River on [illegible] stealing, robbing and murdering excursions in which adventures they often unite with the hostile Indians of the Prairies.

That several of those Bands entertain a settled determination to unite with Mexicans against the Texians when a favorable opportunity presents itself there can be no doubt. Their conduct during the panic of 1836 in eastern Texas demonstrates the fact.

Nothing but the timely presence on the Sabine at that time of that humane, heroic, and immortal leader Gen.l Gaines restrained them and prevented a general Massacre of women and [illegible] who were leaving the country on account of the advance of the Mexican army. Many of them were embodied and already in the service of [illegible] Adrao. A relic of that service still [illegible] at [illegible] on the [illegible] at the time of the battle of San Jacinto, they were employed in constructing Rafts to facilitate the crossing of the Mexican army which was but a few days march therefrom.

That the Cherokees sent a delegation to Matamoros last summer to negotiate with the Mexican authorities we have the positive testimony of several respectable Americans as well as Texians who were there & recognized them.

[illegible] the Sabine and Red River frontier is not the scene of the depredations of the Cadoes, their acts of violence are perpetrated on the Trinity, Brazos, Colorado, Guadalupe &c. far distant [illegible] of their ordinary abodes. In almost every [illegible] that occurs on our western frontier Cadoes are recognized. They have in several instances been shot in the act of stealing horses and murdering the Texians.

They are [illegible] formidable on account of numbers but [illegible] influence with the prairie Tribes.

This information we derive from officers in the [illegible] and citizens living on the frontiers. It is not remarkable that the wily Chieftain, Bowl, of the Cherokees should, when application was made to him by agents of the U. States to know whether he and his associates were innocent, that they should from his own statement appear so.

This Government was incidentally informed by letter from that quarter that two U. States officers in June last visited the Cherokees in order to report their disposition to that Government. Had that application been made to this Government abundant evidence could have been presented to have convinced them of the hypocrisy and cunning of Bowl. Some of his tribe were then at Matamoros, and others associated with their allies murdering our frontier inhabitants. Deep rooted apprehensions with regard to those

Indians still pervade the public mind and constant anxiety is felt throughout the whole Country. The prairie Indians are unskilful in the use of fire arms, who without the guidance of North American Indians would be comparatively harmless.

The citizens of Texas are relatively a small nation of people, [illegible] over an extensive territory, at the same time battling against vast odds for the sacred and immutable principles of liberty, with the Mexicans on the South, hordes of Indians to the Rocky Mountains on the West, the Gulf of Mexico on the east, and those discontented bands from the United States dispersed throughout the Border of Sabine and Red Rivers. Under those circumstances, inasmuch as many of those indians are intruders, have no claims on Texas, it would seem more consonant with humanity and justice for the U. States, who have the power and the right at once, to cause all who have emigrated contrary to stipulations in Treaties entered into between Spain, Mexico and the U. States, to be removed to countries heretofore assigned the tribes of which they are parts, by that Government.

Independently of other considerations philanthropy towards those indians would indicate such a course, for the longer they remain amongst us the more unpleasant will be their situation. Conflicts between them and citizens on whose lands many of them reside will necessarily arise, which disputes it is easy to foresee will engender animosity that will end in open strife. The experience of more than half a century in the U. States shows that Americans and indians cannot live together under the same laws. That conviction created the humane policy of removing them peaceably to countries where they may for ages flourish and preserve their own habits and nationality.

I have communicated to the Post Master General the willingness of Mr. Kendall to interchange the respective mails at the crossings of the Sabine, with which arrangement he is much gratified. It will afford to the inhabitants of both countries important facilities.

The President declines the appointment of the secret agent suggested in your 25 Despatch. With respect to annexation there is nothing new to offer. We are anxiously awaiting the determination of the U. States Government on the proposition for admission.

I feel much solicitude on this subject, for I am confident should we be rejected now the proposition will never again be made by the people and Government of Texas.

In case they refuse to admit us our Agent is ready near the Court of Great Britain to receive instructions, and we will be compelled to make the best bargain with her we can. The wisdom of England seldom loses sight of her true interests, especially when they relate to commerce and manufactures. A direct trade from Galveston and other ports to Liverpool can be easily established. It can also be demonstrated to England that there are sufficient cotton lands in Texas to grow more cotton than that Kingdom requires the supply of her manufactories, and owing to peculiarity of climate and soil a better article at a cheaper rate can be furnished, than by the U. States.

No apprehension is entertained of an invasion at this time. Two Brigs of the enemy recently appeared on our coast, and after an engagement at Galveston with the Invincible departed and have not since been heard from. The Invincible was lost by running aground after having [illegible] [illegible] [illegible] to Houses [illegible]

them considerable damage without sustaining any herself.

The continued bad faith of the Mexican Government has induced the President to issue Letters of Mark and Reprisal, the great object now being to keep command of the Gulf. They cannot reach us by land unless they can supply their troops by sea.

The country is more tranquil than it was in the spring and summer. Good crops have been raised throughout the populated portions of the Republic. We have assurances of a large influx of Emigrants during the fall and approaching winter. Congress will convene on Monday next.

The President I regret to state has had an attack of congestive fever. He is yet very feeble, but is decidedly convalescent.

Please make my best compliments to Col. Grayson and say to him that my health is as precarious as when he left.

With great consideration
and respect I have the
honor to be Yr. Obt. Servant
R. A. Irion
Secy of State

To Hon. Wm. Hunt
Minister Plenipotentiary of
R. of Texas to U. States.

Department of State
City of Houston Dec. 31st/37

To M. Hunt
unteaching ...
Dec. 31st 37

Sir

I have the Honor of acknowledging the receipt of your despatch No. 27, a copy of the correspondence between the U. States and Mexico in relation to Texas, and a copy of the journals of the House of Representatives which I find very interesting.

I regret the presentation of so many petitions against Texas from the North Eastern States.

I had anticipated opposition from that quarter but did not suppose it would be so determined and uncompromising in its character.

The policy of those States has generally been characterized by a disinclination to extend the territory of the U. States to the South West and judging from recent demonstrations that feeling will probably continue, if we have to exist seperately, until pursuing the destiny indicated to us by that significant and beautiful emblem of our nationality the Evening Star inviting alluringly westward the unavoidable accession of Star after Star to our Banner this now small republic will embrace the Shores of the Pacific as well as those of the Gulf of Mexico, presenting to them the spectacle of an immense cotton and sugar growing nation in intimate connection with England and other commercial and manufacturing countries of Europe, whose relations shall have been permanently adjusted on equitable principles of reciprocal interests, when they perchance in reminiscence, recur to their policy of the present times may have to deplore the loss of that ascendency in manufacturing the carrying trade that they now so triumphantly enjoy, and which could be rendered perpetual by a different course of policy.

The first object of the people of Texas after having emancipated themselves from Mexican tyranny was to restore to the U. States

the extensive and valuable domain which had once been hers and enjoy peace, security and happiness on the soil which they had reclaimed from savages and the wilderness, under the laws and institutions of the country which gave them birth.

This feeling, you know, was not prompted by any fear of a reconquest by Mexico. No Texian since the battle of San Jacinto has distrusted for a moment our capability to maintain our independence; and the experience of every day attests the truth of that conviction.

All the Departments of the Government are now in harmonious operation. The second session of the second Congress adjourned on the 19th instant.

Our financial system is established on a footing calculated to give satisfaction to all classes of creditors, and the collection of Taxes is every day absorbing the public debt.

The impost laws have been amended, so as to render them more equal in their operation and less onerous in respect to particular articles.

The land laws have been amended and the General Land Office is to open on the first thursday in February next, for the location of lands.

Connected with the latter subject is the unsettled boundary line between the U. States and Texas. Congress was called together in September last in consequence of the remonstrance of Mr Forsyth against the authorities of this Republic establishing land offices in the Counties on Red River which are under the civil jurisdiction of Arkansas. This matter is one of serious import to Texas at the present time, for it appears that the citizens of that border are determined to organize under the authorities of this Republic which from the tone of Mr Forsyth's communication, I am apprehensive may occasion unpleasant collisions in that quarter, and perhaps lead to a disagreeable controversity between the two Governments, which would under existing circumstances be a most unfortunate event for us and should if possible be prevented.

The remonstrance of the United States was communicated to the Senate, which body adopted a report authorising and requesting the President to appoint a Commissioner in conjunction with one on the part of the U. States, to run and mark the line in conformity with the existing treaties between Mexico and that Government on this subject, limiting their operations, however, for the present, to the location of the line from the mouth of the Sabine to the 100° degree of West longitude from London on the Red River.

In accordance with this report, the President, by and with the advice and consent of the Senate, has appointed Shelby Corzine Commissioner on the Part of this Government to run said line. The Country through which it will pass is rapidly settling, to whose inhabitants the uncertainty of the boundary is a source of much vexation, ~~and seriously impedes improvement~~ and seriously impedes improvements as well as the administration of justice. It is hoped that the U. States Government will not further postpone the appointment of a Commissioner, and I am directed by the President to instruct you to solicit again said appointment, the location of this line is the more necessary inasmuch as the prospect of immediate annexation is so very remote as hardly to be considered in the range of possibilities.

Annexation with respect to ourselves alone is now a question of more imbarrassment than heretofore. From indications evinced by members of the late session of the Texian Congress the people are becoming less anxious for the success of the measure.

The prompt and decided refusal of the Government of the U. States to act in favor of the proposition, has such a tendency to fix the opinions against admission of those who were wavering on the subject. So great has been the change in public sentiment that it is probable should the vote be again taken at the next September election that a majority would vote against it.

Therefore I do not believe that any future administration will attempt such a negotiation.

Under those circumstances you will perceive at once that the delay reccommended by our friends in the U States will defeat altogether and forever the objects of the proposition.

This result of the negotiation however only postpones our prosperity, for the difficulties of building up and sustaining a Government, though great will be overcome by the chivalry and enterprise of our citizens; Fresh vigor will be imparted to every improvement; it is distinctly and generally understood throughout the Republic that annexation is impracticable.

The President desires that you will treat this subject for the future with great delicacy. It is proper for our diplomatic representatives at the present time to observe a modest prudent, but firm course; being always careful not to afford grounds of offence to the Governments to which they are accredited. To be always ready and co-operate with the known friends of our cause, and act cordially with them in the promotion of measures calculated to advance our interests.

In the present aspect of the question of annexation it seems there is but little for you to do more than to watch the movements in Congress relative thereto, should there be any, and render any proper assistance to members of that body who may be advocating the measure.

That Government having refused to negotiate with you as the accredited agent of this for admission, the latter therefore conceives, inasmuch as the correspondence has been published, that the matter is now in the hands of the Congress of that Republic alone; and unless it should be brought up for consideration by them it is not contemplated by this Government to renew the application in any form.

Should a resolution be passed by the U. States Congress authorising that Government to enter into a negotiation for ~~the annexation~~ for the annexation of Texas, the instructions heretofore given are deemed sufficient for your guidance therein. You are aware that no treaty can be binding on this Government till ratified by the Senate thereof.

Since my despatch of the 20th of September our Indian relations have undergone important changes. During the spring and summer there was a decided feeling of hostility entertained by most of the tribes within our limits towards the people of Texas this feeling they manifested by frequent depredations on our frontiers. Many of those indians emigrated in violation of the treaty between the U. States and Mexico.

More recently our indian commissioners have concluded treaties with several tribes, and report that there now exists a disposition among them generally to make a permanent and general peace and it is hoped that, that desirable object may be attained within the next three or four months, what influence the Mexican Emissaries, who are dispersed among the indians and the authorities

of Matamoros, operating through their friends, the Cherokees, may have is en-
entirely conjectural, and it is impossible to foresee with any degree of certainty
the consequences of their exertions.

Since that date, Col. Coffee has also visited this City, and made
satisfactory explanations to this Government, relative to the influence
which his trading establishment, on Red River, exercises over the indians
in that quarter. Owing to those changes in our indian affairs it is the
wish of the President that you will let this subject rest for the present.

On the 3rd of October our commissioner near the Courts of St. James
and St. Cloud, was at Liverpool, who expected to arrive in London
on the 8th two days prior to the assembling of Parliament. We are daily ex-
pecting despatches from him.

Col. Grayson has been appointed Navy Agent for the purchase
of a fleet for this Government which will prevent his return. Say to him that
the aspect of things generally is much more favorable than at the time of his
departure and make to him my best compliments. Unfortunately I did
not recieve his letter of the 7th inst. till after the adjournment of Congress. I
think that body would not hesitate to authorise the proposed alterations
in the Bonds. They convene again on the second monday in April
next. The President's health is yet feeble but improving.

The copies of your correspondence with Mr Forsyth, mentioned as
having been sent to me have not been received.

Hon
Mr Hunt
Minister Plenipotentiary of
Republic of Texas Washington D. C.

I Have the honor
to be &c
R. A. Irion

Department of State
City of Houston Augt 23/37

Sir

I hasten to inform you of the unfortunate capture of the
English Brig Eliza Russell, Joseph Russell Captain bound
from Liverpool with Merchandize to the port of Sisal, Mexico by the
armed Schooner Invincible. The circumstances are briefly these.
orders were issued by the Navy Department to Capt. Thompson that
he should exercise great prudence and be careful, not to involve us
with neutral nations: and detain only such vessels belonging to
neutral powers as were found on examination to have contraband of war
on board; in this case there was nothing of that kind on board, and
the Capt. clearly transcended the orders given by Government which
circumstance made it incumbent, according to the usual custom in
such cases, on the Executive to investigate the subject and act finally
thereon; which he has done, and ordered her immediate release, and
a replacement from the Custom House at Galveston of the Ship
Stores that had been used. It seems that a part of the crew of the
Eliza Russell were placed on our armed vessels which have not yet
arrived in port, but are however, daily expected.

How this can be excused in a satisfactory manner to the
English Government I am unable to suggest, and is a subject one
which you will have to exercise your discretion.

The circumstances under which the Secretary of the Navy
left the seat of Government before your departure, and subsequently
embarked on board one of the vessels while on furlough, are well known
to you; He appears to have command of our vessels. He repor-

[Left margin:] No. [illegible] Instructions relative to capture of [illegible] Eliza Russell Aug 23d 37

Capture of the Eliza Russell and appointed Mc Kinney Prize Agent. His functions here have been suspended by the appointment of an acting Sec'y of the Navy until his conduct can be fully investigated.

The President not having the power to stipulate with regard to demurrage and damages that may be claimed by Captain Russell, has ordered that his demand shall be submitted to Congress for settlement when it convenes, which will be on the 25 Sept. next.

It now devolves upon you, as our Representative near the Court of St James, to make a candid and explicit statement of this unpleasant affair to that Government and assure them, in the most positive terms, that this Government deeply regrets the occurrence and that the act was wholly unauthorised.

The Country is quiet and the harvest abundant. The President is in fine health and spirits. Col. Bee is appointed Sec'y of War. Doctor Shepherd Act'g Sec'y of the Navy and Col. William G. Cook, Commissioner for funding the public debt. The armed steamer I think will shortly arrive.

Hon. J. P. Henderson
Com'r & Minister Plenipo'y
near the Court of St. James

Respectfully
Your Ob't Serv't
R. A. Irion
Sec'y of State

Department of State
City of Houston Dec. 30/1837

Sir,

To
Hon. Alcee
La Branche
[illegible] to
Brigs Pocket
and Durango
Dec. 30 1837

The undersigned Secretary of State of the Republic of Texas has the honor to inform Mr La Branche Chargé d'Affaires of the U. States that his communication of the 29th Ultimo demanding of this Government in behalf of that of the U. States, payment for the Brigs Pocket and Durango, the former having been captured by the Texian armed Schooner Invincible, on her passage to Matamoros, on the 4th of April 1836, and the latter which was in the Month of March of the same year, pressed into the Texian service at Matagorda; has been laid before the President for consideration by whom the undersigned is directed to say, in reply, to Mr La Branche that so far as the Durango is concerned, he will reccommend to congress the propriety and justice of making an appropriation for the payment of the amount demanded.

With regard to the Pocket circumstances attending her capture, and subsequent purchase in New Orleans from Cp. Howes Captain thereof by Thomas Toby and Brother, acting as Agents of this Government are of such a nature as to render it improper for the President, without further investigation, to reccommend a second payment for said vessel.

It appears from documents in the possession of the undersigned that on the 10 of May 1836 in the City of New Orleans, for and in consideration of the sum of $3.500 to him in hand paid, By the Tobys & Bryant & Hall the said Howes, Master of the Pocket executed a bill of sale for said vessel to T. Toby and Brother with which amount the said Tobys, as Agents of Texas have charged this Government.

Under this aspect of the case the question to be decided seems to be whether the acts of Capt Howes, being master of the vessel are obligatory on the owners,

Throughout the world the master is the accredited Agent of the Ship owner. His agency does not terminate with the Capture of his vessel, he still represents the Ship and Cargo and is bound to use every effort not inconsistent with good faith to protect and benefit their interest.

He may arrange with the Captors and purchase the vessel in behalf of the owners, before or after condemnation. If the capture be adjudged unlawful, he is the person to receive her after judgment of Restitution.

The agency of the Master in this case was continued in behalf of the owners, independently of receiving payment for the vessel and freight by the most solemn act he is ever called on to perform in his official character (viz) his protest against the capture.

This document bears date the same day of the sale to the Messrs Tobys at which time he received full consideration for the vessel freight damages demurrage &c.

The Insurers in New York should have been informed of this arrangement with the Master.

Had the protest accompanied this information, the Insurance Company would have given a prompt and decided refusal to any application of the assured for either a total or a partial loss.

Whether Barclay and Livingston were possessed of this information does not appear. But as regards our responsibilities in the matter it is immaterial whether they were or were not apprized of it. It would be most extraordinary if third parties arranging with the general accredited agent of the assured, as the owners of the vessel were responsible for the faithful application of funds committed to his hands in the regular course of his agency, or for losses resulting from his bad faith or inattention. The demand on the Insurance office does not appear to have been paid by any documents presented to the undersigned. It is also inferable from the depositions of the President of the Insurance Company that it was suspended for investigations. If the payment to the master made as it was in perfect good faith and for the benefit of those concerned, were known to the Company it is presumed, that it would at once silence all claims on their part upon this Government.

The accompanying documents marked A & B are copies of the bill of sale of the Pocket executed as aforesaid by Capt Howes to the Messrs Tobys and the relinquishment of all claims against the Government of Texas on account of said capture.

Should other evidence be desired by Mr La Branche to prove that the purchase was made as set forth in those documents and for the purposes alledged, the undersigned will take great pleasure in procuring it with as little delay as possible.

In relation to the money and property said to have been taken from the trunk of Taylor by Damon, amounting in all to eight hundred dollars, the President will reccommend to Congress its payment in full.

The President regrets that the near approach of the adjournment of the late session of Congress, and the accumulation of business during the latter part of that session, rendered it impracticable to have the subject acted upon before the adjournment, and directs the undersigned to state to Mr La Branch, that the whole matter will be laid before Congress early in the next session, which will commence on the Second monday in April next with such recommendation as will it is hoped bring the negotiation to a conclusion.

satisfactory to all parties concerned.

With respect to the indemnity for injuries inflicted on individuals captured with the Pocket, although this Government views such conduct with indignation and horror, yet in this case there are some extenuating circumstances of which Mr La Branch is not aware, that the undersigned will communicate to him at any time when he may desire an interview on this subject.

The undersigned avails himself of this occasion to renew to Mr La Branch assurances of his high consideration and respect.

Hon. A. La Branch
Charge d'Affaires of the U. S. } R. A. Irion

Department of State
City of Houston Jany 5th 1838

To Fairfax Catlett relative to salary etc. January 5th 1838

Dear Sir

I have delayed answering your communication in relation to contingent expenses of our legations, hoping that I could induce congress to pass a resolution authorising the allowances that are customary with other nations, which, I regret to state, I was unable to effect, although it was strongly reccommended in my annual report to that body.

With regard to extra compensation during the absence of Genl Hunt when you performed all the duties devolving on the Legation, the President directs me to say to you that it is a matter entirely between you and the General, and that any arrangement agreeable to you will be satisfactory to him.

The Agents in the U States who had authority to sell land Scrip have been recalled, and the laws which authorized such sales been repealed.

With respect to the payment of your Salary there are no funds in the U States on which the President can draw.

The only funds over which the President has control for such purposes are the promissory notes of this Government, which are circulating in this Country at par.

They are well received by specific appropriations redeemable in 12 months after date, bearing an interest of 10 per Cent per annum so far as the Government is concerned they are declared cash, and none but them gold and silver are receivable in payment of duties to Government. Should you desire payment in this currency a draft on the President or Secretary of State will be honored and paid.

Very Respectfully Your
Obt Servant
R. A. Irion
Secy of State

Fairfax Catlett Esqr
Secy of Legation }

Department of State
City of Houston Jan 5/1838

Sir

Your communication to the President, dated Liverpool, October 3rd came safely to hand, which is the latest intelligence from you.

My despatch to you under date of August the 23rd in the

subject of the capture of the British Brig Eliza Russell, by the Invincible, I hope you received when you arrived in London, the conduct of the late Secretary of the Navy relative to that cruise has been perplexing to both the President and the Senate.

The unwise provision in our constitution which requires the consent of that body to remove Cabinet officers obliged the President to ask their approbation to his dismissal, which led to a tedious investigation before them. It resulted in the adoption of a resolution consenting to his removal. Some of the Enemies of the President exerted themselves in favor of the Secretary, which in consequence of counsel being allowed to appear arrayed lawyers against each other before the Senate giving rise to an acrimonious debate of considerable length.

From newspaper intelligence we learn that the capture of the Brig Eliza Russell is regarded in England as an act of piracy on the part of this Government, which impression I hope you have been enabled to remove by a frank statement of the facts of the case.

It was contrary in every respect to the orders issued by direction of the President from the Navy Department.

[illegible] 1838.

In July last our Minister near the Government of the U States made a formal application to that Government to enter into a negotiation for the annexation of this Republic to that of the U States, which President Van Buren promptly refused, not deeming it proper to negotiate on that subject whilst the relations between Mexico and the U States remain as they are.

The correspondence on this subject between our Minister and Mr Forsyth has been published by order of the House of Representatives of the U States, which places the question before the people, and consequently should there be further action thereon, it will be by direction of Congress. President Van Buren's late message justifies the belief that a declaration of War by the U States against Mexico may take place during the present session of Congress, in which event annexation may yet be effected by a tripple arrangement between the U. States, Mexico and Texas or between Texas and the U States

Another impediment to annexation is the fact that the people of Texas are becoming less anxious for its accomplishment, and our friends in the U States require delay which would entirely defeat the measure

Unless the U States Congress during the present Session should authorise a negotiation for such admission the subject will be abandoned by this Government, and I am confident it will never again be renewed by this or any future administration.

It is necessary, therefore that negotiations regulating our foreign intercourse should be conducted henceforth, with a view to a permanent and seperate existence, as an independent power

Under these circumstances in case you cannot effect an unconditional recognition of the independence of the Republic of Texas by the Government of Great Britain it is the desire of the President that you will propose to conclude a commercial Treaty with that Government the stipulations of which to be based on just principles of reciprocal interests, each nation mutually granting

such privileges in Navigation and commerce as are enjoyed by the most favored nations the practical effects of such a treaty would amount to a recognition. Should that Government be disposed to render this Republic any important and particular service, such as the negotiation of a loan, or the conclusion of a treaty defensive against Mexico, this Government would willingly concede to them such privileges as would guarantee an equivalent therefor.

You are so well acquainted with the condition and resources of the Republic that it is deemed unnecessary to enter into details on this subject, submitting it to your discretion to act as your judgment may dictate.

The suggestion of a defensive treaty against Mexico does not arise from any apprehension on our part that they will ever have it in their power to reconquer this country or even seriously disturb the operations of Government, but from the conviction that the influence of England exerted, without hostility, for that purpose would speedily terminate the war and procure an early peace for this Country, which we ardently desire.

The Californias continue independent of Mexico, and recently a rebellion in Santa Fe resulted in the death of the Governor, and a number of the principal officers of Government, and the appointment on the part of the revolutionists, commissioners to apply to the U. States for admission, not knowing I suppose, that they are included within the limits claimed by Texas.

During the fall and winter the emigration from the U. States to Texas has been great, and now should an invasion be attempted, an army of 6000 men would quickly assemble at the headquarters of the army.

The evil that we deplore is a protracted war which must operate injuriously to both parties, and especially to Mexico, for another invasion will probably change the policy of this Government from a defensive to an offensive war which may end in a conquest of that Country by Anglo Americans. The friendly mediation of England might prevent the calamities which would necessarily grow out of such a state of things.

For general information I refer you to the Presidents late Message herewith enclosed. Congress adjourned on the 19th ultimo after having set about three months, to meet again on the 2nd monday in April next. The different branches of the Government are now organised and in successful operation. The Tariff and laws levying a direct Tax have been amended so as to make them operate more equally, which are executed without difficulty, affording general satisfaction throughout the Republic.

The promissory note issue is now in circulation and is received at par. The funding of the public debt is going on satisfactorially to creditors. The land laws have been amended, and the General Land office is to open on the first thursday in February next for the locations of land claims.

The Hon.ble Alcee La Branche late Speaker of the House of Representatives of Louisiana Charge d' Affaires of the U States near this Government arrived in October and will reside in this City. I send you herewith a slip from the Telegraph containing the ceremony of his reception by Congress &c

Hon J. P. Henderson
Com.r of the Repub.c of Texas
near Courts of S.t James & S.t Cloud
} I have the honor to be
with great respect Your
Obedient Servant
R. A. Irion

Department of State
City of Houston Jany 16th 38

The Undersigned Secretary of State of the Republic of Texas; has the honor hereby to acknowledge the receipt of M.r La Branch's note of yesterday requesting immediate and explicit information relative to an act passed during the late session of Congress of this Republic entitled an act to define the boundaries of Red River County which was published in the Telegraph on the 13th instant.

To A. La Branche relative to boundaries of Red River County Houston Jan. 16 1837

In reply the Undersigned, having carefully examined the remonstrance of M.r Forsyth in reference to the locality of said county, has the honor to inform M.r La Branch that the limits designated in the above named act do include the territory indicated in that remonstrance as being in the occupancy and under the civil jurisdiction of the State of Arkansas.

The undersigned embraces this occasion to renew to M.r La Branch assurances of his distinguished consideration and respect.

Hon.ble Alcee La Branch
Charge d' Affaires of the U States
to the Republic of Texas

R. A. Irion

Department of State
City of Houston Feby 15th 38

The undersigned, Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the two communications of the Honorable M.r La Branch, Charge d' Affaires of the U States dated 13th and 16th ultimo, protesting against the acts of the late Congress of this Republic organizing a County on the South side of Red River and establishing a land office therein which includes a portion of territory that has been under the civil jurisdiction of the State of Arkansas.

To A. La Branche relative to boundary line Feb. 13th 38.

On his return from the Bay those communications were presented to the President for consideration, whose absence and other unavoidable causes have prevented an earlier reply.

The President directs the undersigned to state to the Honorable M.r La Branch that the difficulty referred to in his communications originated from the circumstance of the undefined boundary line between the two Governments a subject which the President has regarded with great Solicitude ever since the separation of Texas from Mexico and anticipating the evils which such a state of things would produce he has from time to time respectfully urged the U. States Government to authorise, by the appointment of a commissioner, the final demarkation of the said boundary line in accordance with the treaty of limits Existed between that Government and Mexico prior to

revolution between the latter Power and Texas –

The President sincerely regrets that the Government of the U. States has thought it expedient to postpone the fixation of that line, and although he has uniformly endeavoured to pursue such a course as would prove acceptable to that Government he thinks under existing circumstances its refusal to enter into any arrangements relative thereto, when viewed in connexion with some unwarrantable acts of its agents on Red River ^boundary^ to be named, affords some apology for the course taken by Congress to organise that disputed territory under the particular laws which were enacted for that purpose

As an evidence of the President's desire to preserve harmony between the two countries when the remonstrance of Mr Forsyth was received he unhesitatingly assumed the responsibility of suspending the law passed in 1837 which contained the same provision with regard to Red River County as the one indicated in the remonstrance referred to passed in December 1836, by refusing to appoint the Officers necessary to carry it into effect on the first of October of the same year as therein provided; and issuing a Proclamation convening a special session of Congress on the 25th of September in order that they might adopt such measures as they conceived best calculated to remove the causes of the present difficulty –

Copies of that Proclamation and his message to the special Session of Congress on the subject of the aforesaid boundary (Doc: A & B.) are herewith transmitted which will explain the views of the Executive at that time. Congress met in conformity to the call of the President, and anterior to the 1st of October passed a joint resolution suspending the operation of the Land Law till further action thereon, thus sustaining the President in the course which he had taken. Immediately thereafter the Senate by a resolution authorised the Committee on Foreign Relations to apply to the Secretary of State for information respecting the correspondence between the two Governments on the subject of said boundary. The report of that Committee was adopted, a Copy of which (Doc. C) is herewith transmitted, and in accordance with its provisions the President by and with the advice and consent of the Senate, appointed [illegible] commissioner on the part of this Government to run and mark said line, which appointment was communicated to the Minister of Texas near the Government of the U. States with instructions to renew the application for a corresponding appointment by that Government stating to him in general terms what had been done by Congress and suggesting what would probably be the result in the event of his failure to induce that Government to make the appointment without delay.

The result of this application is yet unknown to the Undersigned, but it is hoped, however, that it will be more successful than the former ones.

From the foregoing statement the Honorable Mr La Branch will perceive that the President has employed every means within the range of his prerogative to preserve friendly relations between the two Governments and to avert a controversy which he foresaw would grow out of this question unless the line could be legally designated before the people inhabiting the disputed territory should commence organising under the laws

of this Republic.

The Honorable Mr La Branche intimates that it is within the competency of the President as the Chief Executive officer of the Government to suspend the law organising Red River County and the land office therein, as he did that against the execution of which Mr Forsyth remonstrated.

The two cases on examination will be found materially different.

In the latter the law was to go into operation at a stated period, the appointment of ~~appointment~~ officers necessary for its execution, by its provisions, devolving on the Executive, which not being made it remained inoperative till Congress convened.

In the former, Congress passed the laws and elected the officers required to carry them into immediate effect.

The peculiar circumstances connected with this subject and the singular predicament of both Governments relative thereto would seem to render it proper at the present time to enquire into the right under which the respective parties claim the occupancy of the aforesaid territory.

As early as the year 1824 anterior to the settlements in that quarter, several hundred Shawnee Indians who had yielded their possessions on White River wishing to remove beyond the boundaries and jurisdiction of the U States petitioned the Supreme Government of Mexico through the State Government of Coahuila and Texas, for a grant of land on the South West side of Red River near Pecan Point which proposition after having been fully discussed at Saltillo and Mexico, was finally rejected solely on the ground of its inexpediency that Government not doubting that the land sought by the Shawnees was clearly within the limits and subject to the disposition of the Mexican Government.

The Supreme Government of Mexico and that of Coahuila and Texas, in 1826 granted General A. G. Wavel through his attorney Baron de Bastrop, that disputed territory, authorising him to settle four hundred and fifty families therein.

Under said contract Col. Milam, the Agent of Wavel proceeded to organize a land office, executed surveys of the Country and was prepared to extend titles to the settlers, when the Government of Mexico prompted by a jealousy against North Americans passed on the 6th of April 1830 the famous decree prohibiting emigration from the U States, in consequence thereof Milam's Commissioner, when on his journey to said Colony legally authorised to issue titles to the settlers as above stated was arrested at Nacogdoches by the centralist Commandant of that post in December of the same year, thus defeating for a time the enterprize of Wavel.

The last session of the Congress of the State of Coahuila and Texas in the Spring of 1835, shortly prior to the rupture between Mexico and Texas, appointed Col. Milam Commissioner to issue titles to the settlers of Wavel's Colony. His capture and imprisonment and the momentous events that immediately followed his release in which he engaged ending his career gloriously as the leader of the Texian forces at the siege of San Antonio in December 1835 terminated the efforts to settle said Colony under the colonization laws.

Those transactions were of public notoriety, yet the Go-

48. of the U. States did not remonstrate against them to the Government of Mexico.

Mexico invariably acted on the ground that the territory comprehended in the limits of Red River county was within her limits, to which position the U. States appear to have yielded, at least a tacit consent and the Undersigned is not aware of any treaty stipulation which concedes to the U. States the civil jurisdiction thereof.

Mexico at one time had a Military force at the "Spanish" "Bluffs" on Red River to which the U. States did not object.

Moreover, in February 1836, the citizens of Red River county, elected and sent members to the Convention which declared our Independence and adopted the Constitution, the latter instrument guaranteeing to them seats in the Legislative assemblies of this Republic which was published to the world.

No remonstrance against this provision on the part of the U. States has come to the knowledge of the Undersigned.

Every act of Mexico the Congress of Coahuila and Texas and the congress of this Republic in relation to that territory evinces a full conviction on their part, that the territory on Red River west and south of the junction of that Stream and the Sulphur Fork is within the limits of Texas; in which opinion the U States seem until recently, to have acquiesced.

It appears that the claim of the U States to the civil jurisdiction over the territory in question rests principally on the right which a temporary occupancy confers, for there never has been sufficient neglect on the part of the Mexican authorities to organize the settlements on that border to create the slightest shadow of right founded on any acknowledged principle of prescription.

On the contrary they have from time to time taken all the preliminary steps to establish that country into a municipality which was prevented by the commotions and disappointments incident to a state of revolution.

Under existing circumstances the Honorable Mr La Branche will perceive that the only agency the President can legally exercise to avert the threatened collisions near that boundary is to facilitate as much as possible the running of the line which let the delay in respect to the defination of that bounds, both before and since the seperation of Texas from Mexico, have originated from what cause it may, is now absolutely necessary to prevent the deplorable results to which Mr La Branch alludes in his communication of the 16th ultimo, and the President, impressed with a full confidence in the good faith and justice of the Government of the U States, indulges the hope, that it will immediately authorize the designation of said line, and directs the Undersigned to request Mr La Branche to lay the subject before his Government in order that arrangements may be made to carry the treaty of limits into Effect.

The treaty of limits which existed between the U States and Mexico at the date of the declaration of Texian Independence having the validity of a public law, this Government

succeeding to the benefits thereof, has never deemed a convention neces-sary to confirm the stipulations therein contained so far as they relate to the boundary in question.

The country through which the line will pass is now rapidly settling by an active and enterprising population whose condition is rendered extremely unpleasant and embarrassing by the uncertainty which exists in regard to the true boundary. While such a state of things continue this Government cannot enforce its revenue laws neither can it make suitable preparations for the defence of that frontier; a large portion thereof being contiguous to the American Indians, who manifest a constant desire to emigrate to Texas; and many of whom have already removed hither regardless of the treaty stipulations which prohibit it.

The Conduct of the Cadoes is a practical illustration of the anxiety of the border Indians to establish themselves in Texas which subject being collaterally connected with the boundary,

The President directs the undersigned to state to Mr La Branch that some three years since shortly after the Government of the U. States purchased from those Indians the land which they occupied in the vicinity of Red River and about the commencement of our revolution with Mexico, they began openly to emigrate to Texas, which they effected without any attempt on the part of the U. States Agents in that quarter to retain them; and, that in March 1837, at the time when the Indians with whom the Cadoes have amalgamated, were desolating our most defenceless and unprotected frontiers, an Agent of that Government on Red River furnished a party of that tribe with considerable quantities of powder and lead knowing their intention to set out immediately thereafter for Texas, thus completely prepared for war.

This course is the more surprising, inasmuch as the conditions of the 33rd Article of the treaty of Amity, Commerce and Navigation between the U States and Mexico, were proposed by the Minister of the former Power, shewing clearly that it was the desire of his Government to restrain the border Indians from injuring or in any manner molesting the Mexicans

The President also directs the undersigned to state to Mr La Branch that in May last, when the North American Indians located in Texas were generally hostile to the Citizens thereof two officers of the U States Army entered Texas for the purpose of ascertaining the conduct and disposition of the said Indians residing near the border in question, instead of applying to the authorities of this Country for the information desired, they visited the Cherokees, and from the statement of their wily chief Bowl, became satisfied it seems that those Indians were innocent of any hostile intentions against the inhabitants of Texas.

The President was unapprised of the visit of those officers till several months had elapsed at which time he was incidentally informed of the fact by a letter from that quarter.

Had they applied to this Government abundant evidence of the most unquestionable character would have been adduced, showing conclusively that the Cherokees, as well as other bands with whom they are allied, had at that period agents of their own tribes at Matamoros negotiating with t[illegible]

Authorities for a participation with them in the war against us when-
ever Mexico should invade Texas.

It is hoped, if the Congress of Texas have erred in the laws they have passed so far as it respects the aforesaid territory Mr La Branch will readily perceive that the error into which they have incidentally fallen is one over which the President is invested with no powers of control.

The undersigned embraces this occassion to renew to the Honorable Mr La Branch the assurances of his distinguished consideration and respect

R. A. Irion

Hon A. La Branch
Charge d' Affaires of the
United States

Department of State
City of Houston March [illegible] 38

Sir

I have the honor to acknowledge the receipt of your dispatch of the 8th instant which came to hand yesterday.

I sincerely deplore the present aspect of the relations between the U States and Texas respecting the boundary line. It has become a subject of discussion between the Charge d' Affairs of the U States at Houston and this Government.

[illegible] Instructions Etc. March 21st 1838.

This discussion grew out of the protests which the Hon. Charge considered himself called upon to make when he ascertained that the Congress of Texas had, by special enactments organized the disputed territory, and established Land Offices therein for the location of lands.

In reply to his communication, I cited some historical facts showing that Mexico had uniformly regarded that territory as being clearly within her limits, and that the Government of that Country had from time to time taken steps to organise it, which their political condition prevented, and that therefore no right which Mexico ever possessed relative thereto had been impaired on the score of prescription and that Texas must be considered as the successor of the country from which she seperated so far as respects the territory in question; expressing at the same time the great anxiety of this Government to have the line run, and some of the causes, connected with the defence of the country, which render the consummation of that object so very desirable and important to Texas. He misapprehended the positions which were taken in my communications and made the most extraordinary answer that I have yet read in diplomatic correspondence.

By direction of the President, I forward you the General Power. If the Government of the U States insist on a Convention to confirm the treaty of limits, and authorise arrangements for running the boundary line, you will enter into the negotiations which may be necessary to effect those objects

This Government has no objections to such a formal recognition of rights which are as binding on the respective parties without it, except the delay which its ratifications will occasion.

Treaties of limits do not like those of commerce expire at given periods, but are as permanent as lines designating private possessions, which can never be changed unless by the consent of the

parties concerned.

For your government in the negotiations relating to the boundary, I refer you to instructions heretofore given on the subject.

The present boundaries of Texas as fixed by an Act of Congress are as follows, viz," Beginning at the mouth of the Sabine River and running West along the Gulf of Mexico three leagues from land to the mouth of the Rio Grande, thence up the principal branch of said river to its source, thence North to the forty second degree of North Latitude, thence along the boundary line as defined in the treaty between the U. States and Spain to the beginning.

This Government does not wish to run the line at present farther than the 100th degree of West Longitude to a point on Red River in latitude nearly 33° 30," leaving a distance of eight or nine degrees to be run at a future time when it can be done with less hazard and expense.

The region north of Red River through which the line will pass is inhabited by hostile Indians, which circumstance would render it necessary to send a considerable guard to accompany the commissioners and Surveyors.

It is hoped that the Government of the U. States will not insist on running the line beyond the point above indicated on Red River.

I have received despatches from General Henderson up to the 22nd of December last

He had, had several conferences with Lord Palmerston who treated him with great Courtesy

Our application for the immediate recognition of the Independence of Texas by the Government of Great Britain had been considered by the Cabinet, who had declined acting decisively thereon at that time.

It is highly important to us that the question of annexation should be disposed of immediately for it will embarrass our negotiations in Europe as long as it is pending at Washington.

The Canada insurrection has also had an unfavorable influence on our affairs in England.

I have stated to General Henderson that I would request you to keep him regularly informed with respect to the debates that may take place in the U. States Congress on Mr. Prestons resolutions, or any other subjects that relate to annexation, which I hope you find it convenient to do, it is necessary that he should have the earliest possible intelligence on that subject.

There is no prospect of an invasion this spring. Political matters in Mexico are coming to a crisis. The Constitution of '24 will it seems be reestablished within the next two or three months. Genl. Urea has declared for the constitution in the state of Sonora. Genl. Cos is in Tamaulipas and has joined the federalists

The Emigration during the last fall and winter was immense the depressed condition of the Enemy and the rapid increase of our population have tended greatly to render the people indifferent to annexation.

I have [illegible] honor to be
Sir, w[illegible]eat respect Your Obt. Servt.
R. A. Irion,

Hon. M. Hunt
Minister Plenipotentiary of
Republic of Texas Washington, D. C.

Department of State
City of Houston, March 20th 1838

Sir

I have the honor to acknowledge the receipt of your despatch No 3, and am happy that the present condition of Texas enables me to give the most favorable assurances of our prosperity.

The threatening attitude of Mexico with respect to Texas which seems to have influenced the British Cabinet on the subject of recognition has been manifested to us in no other manner but vain boasting on paper.

Texas on the other hand is rapidly increasing in strength by an uninterrupted emigration of the hardy enterprising and chivalric sons of the U. States, bringing with them their negroes and every thing necessary for a permanent settlement in this country.

I am confident it would be a safe estimate to state that during the last fall and winter the number of emigrants to Texas was ten times greater than any that ever arrived before during a corresponding period.

[illegible] March 20th 1838

This is the strongest proof that the people of the U. States, whose contiguity affords them every opportunity of acquiring correct information concerning Texas have full confidence in the permanency of this Government and the stability of its institutions.

There has been no demonstration of the enemy on the Rio Grande Border since your departure, a circumstance which would justify the belief that the Mexican Government was not serious in its declarations, so often repeated, of again invading Texas. At least if they were serious the means which were placed at the disposition of Government were totally inadequate to the object in view, for all the annoyance which we have received in that quarter have been from the depredations committed by scouting parties of Mexicans who have occasionally occupied the uninhabited territory lying between the Nueces and Rio Grande.

The object of these incursions was to collect and drive the stock, which had been dispersed during the Campaign of 1836 across the Rio Grande into the Mexican territory.

Mexico is now on the eve of another revolution. The mutations which political parties have undergone since the fall of Santa Anna have led to the conviction among the mass of the population of that country that the reestablishment of the Constitution of 1824 is necessary. The Priests are arrayed against this measure, but they cannot now control an influence sufficient to sustain centralism. From information that can be relied on I am confident that this result will take place within a few months.

The Californias and Santa Fe, still continue independent of the general Government.

General Urea has recently declared for the constitution in the State of Sonora, and General Cos, who is now on the Rio Grande will do the same it is believed in a short time in Tamaulipas.

Our Indian relations at the present time are pacific. In November last the Indians generally manifested a desire to

enter into treaties of friendship with the Texians; and during December and January treaties were concluded with a number of tribes, among which are the Lipans, the old friends of the Mexicans, who live near the Rio Grande and are perhaps the most intelligent and sagacious Indians in Texas.

The Cumanches who are the most numerous tribe in the Republic have agreed to send a deputation of their principal Chiefs to Bexar, on the 1st of April next for the purpose of making a treaty, where Commissioners on the part of this Government will be ready to act.

With respect to the civil departments of the Government it is pleasing to state, that the laws are as regularly and perfectly administred as in the new States of the North American Union.

As a striking evidence of the efficiency of the civil officers and the promptness in discharging their duties, I will state the fact that the Statute prohibiting public gaming has banished that abominable vice from the Country.

Two sessions of Congress have sat since your departure without materially changing the laws under which the Constitutional Government was organised. The last session as you are ere this aware, passed a general Land Law requiring land offices to be opened on the second monday of last month for the location of lands; which was done, and our citizens throughout the Republic are now actively engaged in locating their land claims.

The second session of the second Congress will convene on the second monday in April next.

Our financial affairs are in a much more favorable condition than the most sanguine anticipated without the aid of a loan from any quarter the Government has created a currency which passes at par in every section of the Country.

The promissory notes of the Government which are based upon a specific appropriation of land that are now selling, are the only money, except gold or silver which is received in payment of duties on imports and taxes of all kinds. These collections return it rapidly into the Treasury.

With regard to the military establishment you know it is not the policy of the Government to keep on foot a standing army; there are none kept in the regular service except a sufficient number to guard particular posts.

The Militia are now organised and are prepared and anxious to march at the shortest notice, should a Mexican army ever cross the Rio Grande. Ten thousand Texians at any time can be concentrated upon the shortest notice. The universal enthusiasm which pervaded the whole community a short time since when a rumor stated that the Mexicans were advancing upon Texas was astonishing: all were anxious to go and meet the enemy, none desired to remain at home.

There have been no Mexican cruizers on our coast since August last. Our coasting trade is performed by vessels sailing under the U States flag. No one a year ago could have foreseen the surprising increase of our commerce in so short a period. Of late about thirty vessels are often laying in the port of Galveston, eleven of which are Steam Boats that ply between the Island and other places.

Commercial facilities are developing themselves in

[illegible] address, [illegible] are [illegible] to [illegible]
[illegible] preparation [illegible]

[illegible]

[illegible] R. A. Irion

[illegible]

[illegible] dated [illegible]

[illegible] settled [illegible]

[illegible] Commissioner on the [illegible] of the U. States [illegible] Should the U. States [illegible] the whole distance [illegible] to advise you that [illegible] Congress having made no provision for running it [illegible] than the 100th degree of West Longitude on the Red River.

From that point to the 42nd degree of North Latitude it is a wilderness of Savages and will not be settled for many years.

[illegible] considering the [illegible] importance of [illegible] with as little delay as possible [illegible] the present operations to the point [illegible] it will be best to consent, to run it to the 42nd.

I will write you again on the [illegible]

R. A. Irion

Genl. Wm. G. Hunt
Washington City

Department of State
March 21st 38

Sir

The Undersigned Acting Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note of Mr. La Branche Chargé D'Affaires of the United States of America dated 23rd inst. with the accompanying circular from the Treasury Department of his Government to its Officers of Customs.

In the Circular it is stated that by information received from the department of State it appears the fifth and sixth articles of the treaty with Mexico are held to be obligatory upon the R[illegible] Texas, While the Undersign[illegible] Mr. La [illegible]

56. the earnest desire of this Republic to cultivate the most friendly intercourse with the U States, and especially upon those principles of equality and reciprocal favour which should always characterise the commercial relations of friendly states, he cannot yield his assent to the proposition that the commercial stipulations of the treaty with Mexico are obligatory upon the Government of this Republic

The events of our Revolution, the great changes in territorial and political organization incident to it necessarily make the application of the treaty to the new order of things a question of mere expediency addressed to the discretion and reciprocal interests of the two countries

Not doubting however that the measures of this Government will meet the expectations of the U States in regard to the commercial intercourse between them, the Undersigned will lay before the President who is yet absent the note of Mr La Branche and the accompanying circular at the earliest opportunity after his return, in order that this Government may take the necessary action upon the subject

I am Sir
with great Consideration
Your Obt Servant
John Birdsall

Hon Alcée La Branche
Charge De'affairs of the
U States of America

Department of State
City of Houston March 29th 38

To A La Branche to appointing an hour for interview March 29th 38.

The Undersigned has the honor to acknowledge the receipt of the Hon Mr La Branche's note of today, requesting an interview on the subject of the Brig Pocket. The Undersigned will be happy to see the Hon: Mr La Branche at this Department on tomorrow Evening at 4 Oclock.

The Undersigned embraces this opportunity of renewing to the Charge d' Affaires of the U States the assurances of his distinguished consideration and respect

R. A. Irion

Hon A La Branche
Charge d' Affaires of the U States

Department of State
City of Houston April 26th 38

To Sec. of Navy requesting information April 26th 38

Sir

I herewith transmit to you copies of certain Documents which were received at this Department a few days since from the Diplomatic agent of this Government near that of Great Britain alleging that the Invincible and Brutus during the cruize of last summer in the Gulf of Mexico committed unjustifiable acts on the commerce of England; and request that you will furnish me with any information relating thereto which may be found in the Archives of the Navy Department in order that a proper representation of the facts may be made to the British Government

I have the honor to be Sir
with great respect Yr Obt
Servant
R A Irion

Hon Wm M Shepherd
Secy of the Navy

Department of State
City of Houston May 17th 38

To Mc Hunt requiring his return to Washington May 17th 38

Sir

The determination on your part to return home as expressed in your despatch of the 14th of April is regarded by the President with surprise, and I am directed by his Excellency to inform you that your departure from Washington without positive instructions, or permission to do so will meet his decided disapprobation.

A successful administration of the Government cannot be reasonably expected unless strict obedience to orders in its various departments is observed, and the higher the functionary the greater is the necessity for a scrupulous attention to the duties which his office imposes.

I have addressed you at Vicksburg, N Orleans and Washington, and should you receive the communication at either of the former places, by the direction of the President, you are hereby instructed to return with as little delay as possible to Washington, and not to leave again till permission shall be given by this Government.

Your visit from Washington to Mississippi during the early part of last year was a subject of regret to the Executive, but influenced at the time by considerations of delicacy and a hope that such an occurence would not again take place he forbore the expression of any displeasure of a character calculated to wound your feelings. Under this date I have written to you at Washington in relation to our affairs.

A proposition is before Congress to authorise the President to suspend the laws of Texas in the disputed territory whenever he may deem it proper, but it is very questionable whether it will pass. I think the chances are against it.

The news from Mexico is favorable to us. That country is now undergoing a revolution and in a short time, it is thought, the federal Constitution will be re-established. Congress will adjourn in less than ten days.

With great respect
Your Obt Servant
R. A. Irion

Hon. Mc Hunt
Washington

Department of State
City Houston May 18th 38

To Mem. Hunt relative to Boundary line Etc.

Sir

I have the pleasure to acknowledge the receipt of your despatch No 34.

The boundary question was laid before Congress about four weeks ago, and was referred to the Committees of the Senate and House of Representatives on Foreign Relations.

The Committee on the part of the House have reported, and reccommended the adoption of a resolution investing the President with power to suspend the operation of the laws of Texas in the disputed territory on Red River whenever he may deem it advisable.

The Committee on the part of the Senate have not reported. the subject was called up in the House today and a slight debate ensued. From indications evinced by certain mem-

think any discretionary power touching this matter will be given to the President by Congress neither do I believe that the said Laws will be changed in any respect. There appears to be a fixed determination on the part of a majority of both Houses to persist in the course which has been heretofore pursued. I may however be mistaken.

Under this aspect of the case you will perceive the only way to terminate the controversy is to run the line, the preparatory arrangements for which it is hoped you have ere this agreed upon with the Government of the U. States.

You seem to entertain erroneous opinions with regard to the views of this Government in relation to our western boundary line.

It is not now the desire of this Government to negotiate respecting any territory beyond the limits of Texas as established by the act of Congress. From the source of the Rio Grande the Western boundary line will run to the 42nd degree of north latitude, intersecting at this point the line of the U. States; thence with the latter line to the 100th degree of West Longitude from London on the Red River; thence with said line, as agreed upon between the U. States and Spain by the treaty of 1819, to the mouth of the Sabine.

With respect to the Bay of San Francisco, the South sea and Pacific Ocean, and the territory bordering thereon this Government at the present time has no concern.

They have no connection with the negotiations now pending on the subject of boundary between this Republic and the U. States. Should the latter Power, while our limits remain as they are, acquire territory in that quarter of the world it must be by negotiations with Mexico and not with us.

If on the other hand we desire an extension of territory in that direction it is a matter between Mexico & Texas and not with the U. States.

At a future time this Government may, and probably will, by conquest or negotiation extend its boundary to the Pacific but during existing relations the President cannot perceive in what manner speculations concerning the territory referred to have any relevancy to the question now under consideration.

Should the Convention of limits not have been concluded before the receipt of this, if agreeable to the U. State's Government, stipulate that it is only to be run at the present time from the 32nd degree of North latitude on the Sabine to Red River which is a distance of about one hundred and fifty miles.

I herewith transmit a Convention of Indemnity to American Citizens, who suffered injuries by the capture of the Pocket and impressment of the Durango, recently entered into between the Chargé d' Affaires of the U. States and this Government which has been duly ratified by the Senate of this Republic; and I am directed by the President to instruct you to proceed to the exchange of the ratifications thereof as soon as circumstances will permit, your power is deemed sufficiently ample for this purpose.

In regard to the treaty of Amity, Navigation and Commerce the President prefers that it should be negotiated here; the present Chargé of the U. States has no power authorising such a negotiation. Will the U. States transfer it to this place?

In the negotiation of this important treaty the peculiar condition of Texas as contrasted with Mexico should be weighed with

great deliberation in order that its stipulations may establish our commercial relations with the U. States on terms of reciprocal interests. The treaty between Mexico and the U States, altho framed as it is in the spirit of equality, contains stipulations that would be objectionable to to this Government owing to the great difference between the extent, position and organization of the Governments of the U States and Texas.

Therefore the President does not desire a hasty conclusion of the treaty.

It is the Presidents wish in case you are engaged in the negotiation of this treaty notwithstanding the intimations above made that you should continue it at Washington, but before its conclusion to communicate with this Government on the subject. A short delay cannot operate prejudicially to either country as our intercourse will remain in the mean time as it now exists. When your general power was made out it was not contemplated that you would conclude such a treaty without special instructions thereon.

The President in his late address to Congress recommended the withdrawal of the proposition of annexation in the event that the present session of the Congress of the U States should adjourn without having acted definitively thereon.

Since that time resolutions have been introduced into both houses requiring an immediate and unconditional withdrawal, which have been lost principally on the ground that the proposition was made in accordance with a vote of the people, and ought therefore to be withdrawn on the same authority.

The news from the interior of Mexico is favorable to Texas that Country is in commotion, and it is supposed by those most acquainted with her political condition, that the constitution of 24 will shortly be reestablished, and Santa Anna placed again at the head of affairs.

The Ports of Mexico are blockaded by the French. Present my respects to Mr. Catlett, and inform him that the draft will be paid in a few days.

I have the honor to be Sir
with great respect Your Obt. Servt.
R. A. Irion

Hon. Mr. Hunt
Minister Plenipotentiary of Texas
Washington City

Department of State
City of Houston May 19th 38.

Sir,

Should the present session of the Congress of the U States adjourn without having acted definitively on the proposition for the Annexation of this Republic to that of the United States, you are hereby instructed by direction of the President to withdraw immediately thereafter the proposition aforesaid.

I have the honor to be Sir
Your Obt. Servant
R. A. Irion

Hon. Mr. Hunt, Minister Plenipoty of the Republic of Texas Washington D. C.

To M. Hunt instructions to withdrawal of proposition for annexation May 19th 38.

Department of State
City of Houston June 6th 38

Sir

I have the honor to acknowledge the receipt of

60. Despatch No. 7. All your previous ones have been received.
The President is gratified to learn that you have consummated the commercial arrangement with Great Britain your suggestions relative to the subject will be properly observed.
It is hoped that France will not be so hard to satisfy in respect to the capability of Texas to maintain her Independence, My two last dispatches one dated March 21st which I presume you have received ere this will inform you respecting our relations with Mexico that nation is now prostrate and can never again even annoy Texas to any extent. It is distracted by partizan leaders and selfish politicians, its Government is destitute of that energy and moral rectitude which are indispensable to preserve Republican institutions.
The French Blockade, the contentions between the Centralists and Federalists; individual and national pecuniary embarrassments, although England may not regard the subject in this light tend to strengthen Texas. The Eastern portions of Mexico are now anxious to establish friendly relations with Texas.

To J. P. Henderson instructions &c. May 19th 38

Contempt for the imbecility of that Government and the confident conviction that its resources will never enable it to operate successfully against the measure, has induced the President to open the trade with the Rio Grande frontier. The Eastern States of Mexico will avail themselves of the facilities which this trade will offer, and an immense quantity of goods will pass from Texas to that Country.
Our Indian relations are still pacific since my last communication a delegation from the Cumanches the Cossacks of Texas composed of several Chiefs and Warriors visited Houston according to an agreement made some time since for the purpose of making a treaty of peace, which was concluded with them without difficulty; and they left well pleased and strongly impressed with the superiority of the Americans over the Mexicans.
The question of annexation may be regarded as settled forever. Our Minister at Washington is instructed to withdraw the proposition, as you have been informed should the present session of the U States Congress adjourn without having acted definitively on the subject. This cause cannot therefore continue to operate against us in Europe.
Texas has increased confidence in the sufficiency of her own resources to resist Mexico maintain her independence and perform all the obligations that appertain to a free Power. Mexico has more reason to apprehend invasion by Texas than the latter has of the former.
With respect to the claims of British Citizens against this Government on account of the capture of the Eliza Russell, and others depredations said to have been committed, Congress has adjourned without having made an appropriation out of which they can be paid.
This Government has no disposition to reject such of those claims as are just, but it will be exceedingly difficult to settle them without an agent here representing the claimants and their Country.
The course you have pursued in England has met the unqualified approbation of this Government.
Respecting the time of your return the Executive

desires that you will exercise your own discretion, having every confidence that you will act as may be best calculated to subserve the true interests of Texas.

When you shall determine to leave England and France it is the wish of the President that you will appoint agents at London and Paris to represent this Government.

I have the Honor to be
with great respect Your Obt. Servant
R. A. Irion.

Hon: J. Pinckney Henderson
Diplomatic Agent of Texas near
the Governmts. of Great Britain & France.

Department of State
City of Houston, May 20th 38

Sir,

I have the honor to acknowledge the receipt of your despatch No 5 dated January 30th.

To J. P. Henderson instructions etc. May 20th 38

The President regrets to see so much reluctance manifested on the part of the British Government to enter into Commercial relations with us.

The tendency of the proposition of annexation, the revolutionary movements in Canada, abolitionism and fanaticism, and the unjustifiable acts of the Brutus and Invincible during their cruise of the last summer in the Gulf of Mexico have doubtless had a tendency to make impressions on the Statesmen and Politicians of England adverse to the interests and character of this Republic. It is now gratifying to reflect that these causes of delay are disappearing the Minister of Texas near the Government of the U. States has been instructed to withdraw the proposition of annexation should the present session of the Congress of that Republic adjourn without having acted definitively on the said proposition. Under these circumstances it may be regarded as withdrawn. For there is no prospect of success in the U States Congress. The question will be either rejected or postponed. To us it is of no moment which takes place in either event the consequences will be the same to Texas. It will never be renewed by this Government until the dismemberment of that Power occurs, should that happen, as many suppose it will, a Southern Confederacy may be formed and Texas constitute an integral part thereof.

The excitement occasioned by the Canada disturbances has subsided. The depredations charged by the British Government against Texas admit, in the opinion of the President of the most satisfactory adjustment. As you have been heretofore informed the Secretary of the Navy who participated personally in the cruise and the Commandant of the Fleet were dismissed on account of violation of orders with respect to neutrality.

This Government has never authorised or sanctioned such proceedings on the part of its officers, but on the contrary has invariably taken the most efficient means to correct the evils which have occasionally resulted from insubordination, and as far as practicable to indemnify the injured party. With regard to the Little Penn when the claim for damages shall have been presented and accompanied by such evidence as is usually required in cases of the kind, this Government will [illegible] hesitate to acknowledge the same, and to make the earli

possible provision for its payment. The representation of Lizardi & Co is equivocal. No nation could with justice and respect for its character acknowledge [it] on the information which they have submitted. In their communication it is assumed that none of the cargo of the Little Penn had been cast over board or washed away by the sea, and consequently that all except the portion saved before the arrival of the Texian vessels was illegally seized. these positions are susceptible of proof. The declarations of the officers of the Little Penn duly authenticated would be much more satisfactory than the depositions of Mexicans. You will observe that the citizens Ramirez, and Martinez do not undertake to say that all the cargo remained on board the Little Penn except that accounted for when the wreck was searched by our vessels, they only say the Texians went on board the wreck and took all that remained.

How much had been plundered by themselves, how much burried in the sand &c &c we are left to conjecture.

When the amount and value of the property seized shall be ascertained this Government will not object to its payment, it will be for the claimants of course to state how much this is.

I herewith send you copies of all the documents to be found in Archieves of this Government relating to the Little Penn which you will use at your discretion.

Will not England appoint some kind of an Agent to reside in this Republic; such an arrangement would facilitate very much the adjustment of private claims.

Congress is now in Session and no exciting subjects have as yet come up, and I believe none will during this Session.

The country is tranquil and the greater portion of the population are industriously engaged in the cultivation of corn. Emigration creates a great demand for this article, and consequently but little cotton is planted.

Our currency is at par with the Mississippi Bank notes. The experiment of issuing the promisory notes succeeded far better than the most sanguine advocates of the measure anticipated. they are the circulating medium of the Country.

The news from the interior is of the most favorable kind for Texas. One of our most confidential spies arrived a few days since from Mexico. He reports that country to be in a state of general commotion, Gen. Urea is in Durango at the head of a formidable force contending for the reistablishment of the Federal constitution of "24"

The troops have been withdrawn from the line of the Rio Grande on account of these disturbances.

Santa Anna is still at his Hacienda in the State of Vera Cruz, and is supposed to exercise a secret but powerful influence over the federalists. It is generally believed that Bustamente will fall during the present convulsion, and that Santa Anna will succeed him.

The Blockade of the Mexican ports by France has increased the embarrassments of that miserable nation.

Our Indian relations are on a favorable footing, the tribes generally are disposed to peace and manifest a desire to establish a friendly intercourse with the Texians.

With regard to subjects connected with your mission to England and France no further instructions at the present time, are

considered necessary: your intimate knowledge of our political organization 63
and of the foreign policy of the Government will enable you to pursue the line
of conduct best adapted to effect the objects contemplated by your appoint-
-ment. Your course heretofore has been highly satisfactory to the Exec-
-utive.

The boundary line between the U States and Texas is
still undefined, and a controversy now exists between the two Govern-
-ments on this subject which may possibly terminate in a serious
dispute: in which case this Government will request its reference
to an Umpire, and the European Government that first acknowledges
our independence will be solicited to perform this friendly office

To Hon: J. Pinckney Henderson. I have the honor to be with great
Agent & Minister of Texas near respect Your Obt Servant
the Governments of Great Britain & France R. A. Irion

Department of State
City of Houston June 12th 1838

Sir

It is the wish of the President that you will proceed as expedi-
-tiously as possible to Washington, and assume the duties which
will devolve on you as Minister Plenipotentiary of this Government
near that of the United States of America.

You will on your arrival there take pos-
-session of the Archives of the Texan Legation.

With regard to the line of policy which has been pursu-
-ed relative to the Diplomatic relations between the two Governments
I refer to instructions heretofore given which will be found among
Instruction the papers of the said Legation.

With respect to the present condition of Texas, and its policy
To M. Hunt both foreign and domestic, you are well informed, and the President
June 12th 38. having full confidence in your prudence and capacity relies much
on the exercise of your discretion and judgment in the management
of our diplomatic affairs at Washington, being assured that you
will act in a manner best calculated to advance the true interests
of the Country. Under these circumstances detailed instructions
are deemed unnecessary at the present time.

The Convention of Limits having been ratified by this Govern-
-ment and it is presumed ere this, by that of the U States also, you will
proceed to the exchange of its ratifications at the earliest possible period.

The peculiar situation of the inhabitants near our North Eastern
Boundary renders a speedy action on this subject extremely desirable
and important. You will, therefore after such exchange shall have
taken place, urge the necessity of the immediate attention on the
part of the U States to the appointment of the Commissioner &c con-
-templated by the said Convention. Concerning the Escort mentioned
in the Convention none will be required except the number actually
necessary to perform the work, for the whole distance intended to be
run and marked at the present time is not more than 140 or 150
miles which is through a populated country.

It is sincerely hoped that no further impediments will
be presented to the definitive and satisfactory adjustment of this ques-
-tion, which has given rise to so much inconvenience to

referred to, and solicitude to this Government.

I am directed by the President to renew the instructions heretofore given respecting the proposition of annexation.

Should the present Session of the Congress of the U. States adjourn without having acted finally on this subject, you will immediately after such adjournment withdraw the proposition.

The pendency of this question, as you are well aware has and is still embarrassing our negotiations in Europe; which circumstance, inasmuch as the Government of the U. States has declined to entertain the proposition and no prospect now exists that the measure can be renewed, renders it expedient that this question, so far as the proposition adverted to is concerned should be finally disposed of without further delay.

When you withdraw the proposition as above indicated you will immediately inform our Diplomatic Agent, J. P. Henderson near the Government of Great Britain and France thereof in order that he may be in possession of the fact at the earliest possible period. I have informed him that such notice will be given.

Hon. P. W. Grayson
Minister Plenipotentiary of
Republic of Texas Washington D.C.

I Have the honor to be with great respect Your Obt Servant
R. A. Irion

Sam: Houston President of the Republic of Texas

To all to whom these presents shall come Greeting:

Commission to P. W. Grayson Min. Pleni. to Washington 12th June 1838

Know ye that for the purpose of confirming between the Republic of Texas and the Government of the United States perfect harmony and good correspondence, and of removing all grounds of dissatisfaction, and reposing especial trust and confidence in the integrity, prudence and ability of Peter W. Grayson Minister Plenipotentiary of the Republic of Texas, near the said Government of the U States, I have invested him with full and all manner of power and authority for and in the name of the Republic of Texas to meet and confer with any person or persons duly authorized by said Government of the United States, being furnished with like power and authority and with him or them to agree, treat, consult and negotiate of and concerning Amity, Commerce, Navigation, Annexation and limits between the two countries, and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the Republic of Texas for his final ratification, by and with the advice and consent of the Senate of the Republic of Texas.

In testimony whereof I have caused the seal of the Republic of Texas to be hereunto affixed. Given under my hand at the City of Houston, the twelfth day of June in the year of our Lord one thousand eight hundred and thirty eight, and of the Independence of the Republic the third

L. S.

By the President
R. A. Irion
Secretary of State.

Sam. Houston

Department of State
City of Houston June 1st 38

Sir

I am directed by the President to inform you that your resignation as Minister Plenipotentiary of Texas near the Government of the United States dated at Vicksburg the 5 instant is accepted, to take effect from its date.

Respectfully
R. A. Irion

Mr Hunt Esqr

Sam Houston President of the Republic of Texas
To all to whom these presents shall come. "Greeting"
Know Ye, That for the purpose of confirming between the Republic of Texas and the Government of the United States perfect harmony and good correspondence, and of removing all grounds of dissatisfaction, and reposing especial trust and confidence in the integrity, prudence and ability of Anson Jones, Minister Plenipotentiary of the Republic of Texas, near the said Government of the U. States, I have invested him with full and all manner of power and authority for and in the name of the Republic of Texas, to meet and confer with any person or persons duly authorized by the said Government of the U. States being furnished with like power and authority and with him or them to agree, treat, consult and negotiate of and concerning Amity, Commerce, Navigation, Annexation, and Limits between the two Countries, and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties, convention or conventions touching the premises, transmitting the same to the President of the Republic of Texas for his final ratification, by and with the advice and consent of the Senate of the Republic of Texas.

In testimony whereof I have caused the great seal of the Republic of Texas to be hereunto affixed.

L. S.

Given under my hand at the City of Houston, the day of June in the year of Our Lord One thousand eight hundred and thirty eight, and of the Independence of the Republic of Texas the third.

By the President R. A. Irion
Secretary of State.

(Sd) Sam Houston

Sam Houston President of the Republic of Texas to His Excellency the President of the U. States of America.
I have made choice of Peter W. Grayson to reside near the Government of the said U. States in the quality of Minister Plenipotentiary of the Republic of Texas.
He is well informed of the relative interests of the two countries and of our true desire to cultivate and strengthen the friendship now happily exists between us; and from a knowledge of his fidelity and good conduct I have entire confidence that he will render himself able to your Excellency, by his constant endeavours to preserve and

the interests and happiness of both nations

I therefore request your Excellency to receive him favorably and to give full credence to whatever he may say on the part of Texas; and most of all when he shall assure you of our friendship and wishes for your prosperity.

Written at the City of Houston this the 12th day of June Anno Domini; One thousand eight hundred and thirty eight

R. A. Irion
Secy of State

By Your Friend
Sam Houston

Sam Houston President of the Republic of Texas, to His Excellency the President of the United States of America.

To the Presdt of U. S. letter of credence of Anson Jones Min. Plen. 25th June 1838

I have made choice of Anson Jones to reside near the Government of the said United States in the quality of Minister Plenipotentiary of the Republic of Texas.

He is well acquainted with the relative interests of the two countries, and our true desire to cultivate and strengthen the friendship which now happily exists between us and from a knowledge of his fidelity, probity and good conduct, I have entire confidence that he will render himself acceptable to your Excellency, by his constant endeavours to preserve and advance the interests and happiness of both nations.

I therefore request your Excellency to receive him favorably and to give full credence to whatever he may say on the part of Texas and most of all when he shall assure you of our friendship and wishes for your prosperity.

Written at the City of Houston, this the 25th day of June, anno Domini, One thousand eight Hundred and thirty eight,

(Seal)
R. A. Irion
Secy of State

By Your Friend
Sam Houston

Department of State
City of Houston June 25/38

To A. La Branche relative to Treasury Circular of U.S.

Sir,

With regard to your note of the 23rd of March transmitting a Copy of the Treasury Circular of the United States, dated 2nd of February by which the fifth and sixth articles of the Treaty of Amity navigation and Commerce existing between the said United States, and Mexico are declared to be binding on Texas,

I have the honor to State, that the President having considered the subject directs me to inform you, that the Stipulations indicated by the "Circular" will be observed by this Government.

The application on the part of the U. States relative to the treaty aforesaid calling on this Government for a declaration, whether or not it considers the whole treaty obligatory, has also been submitted to His Excellency for consideration, respecting which I am likewise directed to State that it will be observed by this Government till a new treaty shall be formed.

The pendency of the proposition for the annexation of

of Texas to the U. States and a desire on the part of this Government, should the proposition not succeed, to form at the earliest practicable period, a new treaty with that Government, induced the President to hope, that no emergencies would again arise, while that question remained undetermined, requiring further action on the said treaty, believing at the same time, inasmuch as the condition of Texas, in many important respects, differs materially from that of Mexico, that the commercial interests of the United States and this Republic could be more satisfactorily arranged by a new one, framed with a view to the relative position, political organization, extent, resources &c. of both Governments

Hon. A. La Branch
Charge d'Affaires of
the United States

R. A. Irion
Secy of State

Sam Houston President of the Republic of Texas to his Excellency the President of the United States of America

I have made choice of Anson Jones to reside near the Government of the United States in the quality of Minister Plenipotentiary of the Republic of Texas.

N° [illegible] Credential of the M. P. to the U. S. Letter of credence commencing Anson Jones 25th June 38

He is well informed of the relative interests of the two countries, and our true desire to cultivate and strengthen the friendship which now happily exists between us and from a knowledge of his fidelity, probity and good conduct, I have entire confidence that he will render himself agreeable to your Excellency by his constant endeavours to preserve and advance the interests and happiness of both nations. I therefore request your Excellency to receive him favorably and to give full credence to whatever he may say on the part of Texas and most of all when he shall assure you of our friendship and wishes for your prosperity.

Written at the City of Houston this the 25th day of June Anno Domini One thousand eight hundred and thirty eight

Your Friend
Sam Houston

R. A. Irion
Secy of State

Department of State
City of Houston August 7/38

No. 3 Anson Jones instructions &c. Aug. 7 1838

Sir

I have the honor hereby to acknowledge the receipt of Mr Catlett's communication of the 12th ultimo. I am happy to learn that the Convention of Indemnity to American citizens for the injuries sustained on account of the capture of the Pocket and imprisonment of the Durango by officers of this Government, has been ratified by the U. States. You will find by reference to the Despatch above alluded to, that Mr Catlett has come to the conclusion that a formal withdrawal of the proposition is necessary, still it would seem that the matter is questionable. In regard to this subject, your instructions are positive and it is evidently expected that you will act in accordance therewith.

Our North Eastern boundary should be defined as speedily as possible, and the President expects that you will use every effort to procure, at the earliest practicable period, the appointment of the Commissioner &c on the part of the U. States.

According to the Convention of limits the Commissioners are to meet at New Orleans; and the facilities which Steam Boat navigation now affords will enable this Government to be prompt in the matter.

It is a subject of gratulation to this Government that the army of the United States destined for the protection of their South Western frontier has been increased; for the greatest apprehension we have with respect to our Indians is, that the Indians inhabiting that border may be induced to pass the line, and assume a hostile and formidable attitude towards the people of Texas.

This measure of the U. States Government in connection devolving as it does on Gen^l Gaines, whose discretion, experience, and great energy in Military affairs must tend to quiet the turbulent recklessness of the Indians who have been removed West of the Mississippi. This Government now apprehends more danger from that quarter. Our Indians you are also aware that the Caddos have been influenced to leave the Country which they occupied on Red River, and have established themselves permanently in Texas, and are now associated and have been for about two years, past with the most hostile of our native Indians.

The President is now absent at Nacogdoches and we learn is enjoying excellent health. Such rumors as we had prior to your departure with respect to hostilities in the West continue to arrive; but from the most authentic and recent information the troubles seem to be confined to robbing parties conducted by individuals for the purpose of accumulating property: they appear to have no national character.

General Henderson's first despatch from France, dated June 2^d was received on yesterday. He had had an interview with Count Molé, Minister for foreign affairs.

Nothing definite or conclusive took place relative to our recognition by that Government. Nothing unfavorable occurred.

Make my compliments to Mr Catlett.

I have the honor to be
with great respect
your Obedient Servant
R. A. Irion.

Hon^l Anson Jones,
Minister Plenipot^y Washington &c.

Department of State.
City of Houston August 7. 38.

Sir

I have the honor to acknowledge the receipt of your despatch No. 1 dated Paris June 2^d. The peculiar relations which now exist between France and Mexico had induced this Government to hope that your reception by the former would have been more favorable without however regarding interview with Count Molé as particularly unfavorable to Texas. The Blockade

of the Mexican ports by France is reducing Mexico to a deplorable state. She cannot live without commerce, which is now cut off on the Atlantic coast. And the Pacific coast has to depend on the consequences which future operations will in due time develope.

This emergency has induced them to attempt smuggling goods into their own country through the ports of Texas. The absence of the blockading Squadron from the Texian coast has produced an effort it seems, on the part of the friends of the Eastern population of Mexico to introduce merchandize through our western ports for the purpose of supplying the Mexicans, near the Rio Grande.

Measures have been taken by this Government to defeat the objects which our enemies are endeavoring to carry into effect relative to this matter. The Secretary of War has already ordered to the neighborhood of Corpus Christi Bay, Artillery and other munitions of war. This is a subject of deep solicitude to this Government fearing that these acts may be considered by France as a partial evasion of the blockade; and although we have had neither agency nor connivance in the matter France may deem it necessary to extend the blockade to our coast, thereby cutting off our commercial intercourse with the United States; a result at the present time, that would inflict great injury on the flourishing prospects of Texas.

It is a source of more anxiety to the Government at the present moment, than any other contingency connected with our political condition; for the whole country is tranquil, the population, even at this season of the year, rapidly increasing, and not the least apprehension is entertained that Mexico will again attempt to invade us.

The Commercial Arrangement which you concluded with England is satisfactory to this Government.

I received on Yesterday a Despatch from our Legation at Washington, dated 12th Ult. Mr Preston's resolutions, which had a bearing on the proposition for the annexation of Texas to the Union of the North, our Diplomatic Agent accredited to that Government, informs me were laid on the table by a vote of 24 to 14. This circumstance is one of regret and peculiar delicacy to the Government of Texas. Our Minister at Washington is instructed positively to withdraw the proposition, which doubtless he will do. Should he not he will incur the decided censure of this Government. The amount of the matter is this. That proposition in the equivocal attitude which it has now assumed can no longer exist except by a total disregard of the policy of this Government.

The Diplomatic Agent of Texas near that Government, as before stated, has written instructions should the present session of the Congress of the U. States adjourn without having acted definitively on the proposition to inform you of the result.

It is well known to this Country that such a result has been anticipated, and unfortunately for our interests we are compelled to acquiesce in it.

You will in all respects consider the proposition for the annexation of Texas to the U. States as withdrawn; and Dr Jones our present Minister will perhaps, before you shall have received this information that he has formally withdrawn it.

It is expected by the President that you will notify the Governments of Europe, wherever the interests of Texas are concerned that the said proposition has been withdrawn.

Texas has not now and in all probability never will have any desire to renew it. You know well the considerations which prompted the measure. Those causes operate no longer.

You may say in truth to all that Texas is prospering to an extent that no one could have reasonably anticipated when you left us.

I have the honor to be with respect friendship &c &c

Your Obedient Servant
R. A. Irion

To The Hon J. Pinckney Henderson
Diplomatic Agent of Texas near the
Governments of England & France

Department of State
City of Houston Sep 7 1838

Sir

In addition to what I suggested in my despatch of the 7th ultimo relative to the French Blockade, the President desires you to convey to the French Government his request that they will extend the operations of their fleet to the coast of Texas as far as may become necessary to prevent the evasion of their blockade of the ports of Mexico.

[illegible] The peculiar condition of our South Western frontier and coast owing to the sparse population in that quarter and the entire absence of any naval force at the disposition of this Government to observe that portion of our Coast renders this measure an act of justice to the French Government.

Up to the latest dates the blockade was sustained by the French. The prosperity of the country continues unabated.

Great efforts are making in opening plantations, building up towns and extending our settlements. It will not be hazarding much to say that the American and European population of the Republic has doubled in the last two years. Your despatch of the 2nd of June is the last received. I mention this under the apprehension that more recent ones may have miscarried.

We shall expect with much solicitude your next despatches.

Accept the renewed assurances of consideration and regard &c

Your Obedient Servant
R. A. Irion

Hon. J. P. Henderson Diplomatic Agent of
the Republic of Texas near the Govt of France

Department of State
City of Houston Sep 7 1838

[illegible] Sir

I had anticipated the pleasure of hearing from you by the last Columbia. The mail, however, is carried.

Permit me to urge upon you the importance of consummating the arrangements for settling our boundary question with the least possible delay.

Great solicitude is felt on this subject not only by the portion of our Citizens within the disputed territory, but by the whole country and the Government. Enclosed I send you the note of the Hon John Forsyth, Secretary of State of the U. States to the Hon Memucan Hunt late Minister of this Republic acknowledging advice of the appointment of Fairfax

Catlett as Chargé of the legation in his absence &c which you will file with the papers of the legation

Accept the renewed assurances of my consideration &c
R. A. Irion

Hon. Anson Jones
Minister &c near the Govern.t
of the U. States Washington

Department of State
City of Houston Nov.r 8/38

Sir

I have the honor to acknowledge the receipt of your communication of the 7th instant transmitting the Commissions of Elisha A. Rhodes, Young J. Porter and John W. Mongers as Consuls of the U. States of America for the Ports of Galveston, Brazoria and Matagorda in this Republic requesting their recognition as such by this Government.

I have the pleasure herewith to return their Commissions accompanied by the corresponding Exequators

With great consideration and respect
Your Obedient Servant
R. A. Irion

Hon. Alcee La Branch
Chargé de Affaires of
the Gov.t of the U. States
Houston

Department of State
City of Houston Nov.r 28/38

Sir,

I have the honor to acknowledge the receipt of your despatch No. 5 dated Paris 5th of September last.

With regard to the demands of indemnity of the British Government in behalf of its Citizens for injuries sustained by them in consequence of the capture and detention of the British Brig Eliza Russell and the alleged seizure of British goods on board the Little Penn and Hispano by armed vessels of Texas. The President fully approves the grounds which you have assumed in your communication of the 3rd of September to Lord Palmerston on this subject.

The documents relating to this matter referred to in my despatch of the 26th May were put up in a seperate package in order that to be sent by the express mail of the U. States which carries letters only that are under a limited weight.

Although those documents embraced all the information that could be obtained, I am aware that the evidence therein contained was far from being satisfactory.

The manner in which they could be used advantageously was left entirely to your judgment and discretion and I am gratified to see that you have given such a direction to the subject that will it is believed lead to a speedy and satisfactory adjustment of the whole matter.

Respecting the Eliza Russell the House of Lloyds at Havana forwarded a claim against this Government — Messrs Vogelgsang & Co of New Orleans; the latter

71. Agent for D. Authon & Co. of the Eliza Russell demanding the sum of £865 as indemnity for damages and demurrage in consequence of her capture and detention by the Brutus and Invincible,

It appears the Eliza Russell sailed from Galveston shortly before the Equinoxial Storm of 1837; which she encountered in the Gulf and received so much damage from it that she was compelled to put into Havana to repair; this is the cause why the demand is so much larger than it would otherwise have been.

The President directs me to instruct and authorize you to enter into a negotiation with any agent who may be appointed by the British Government to adjust the claim above refferred to, and agree upon the amount which is justly due the agent of the said vessel according to the assurances heretofore made by this Government to Capt. Russell.

As respects the amount of indemnity you are hereby authorized to stipulate for the payment of any sum not exceeding the one above mentioned.

The General Power which I transmitted to you in March last, under the Great Seal of the Republic, confers upon you the most ample authority to treat and negotiate with Great Britain and France on all subjects to which I beg leave to refer you on this occasion.

Congress is now sitting and may act on the Eliza Russell's case during the present session and appropriate the amount claimed. I think it is however doubtful.

Concerning the Little Penn, you have certainly taken the best position the circumstances would permit.

Upon this subject I would respectfully refer you to my despatch of the 20th of May. Before it was written the circumstances of the Cruize had been fully considered, respecting which I have no new facts to present at the Present time.

This Government is unwilling to give credence to any statement like the one communicated to it at the instance of the Mess. Lizardi & Co. The Mexicans who deposed to the documents thus submitted may have participated in purloining the goods either before or after they were taken from the wreck of the little Penn.

A regular protest executed under Oath by the Officers or even the Crew of the little Penn would have much more weight with this Government than all the Mexican affidavits that could be sent.

I am now satisfied, but it is however from unofficial information, that when the Brutus arrived at the wreck of the little Penn that her cargo with the exception of a few articles like those indicated in the investigation of Mr Wright's Conduct on that occassion, worth perhaps in all $200. or 300, had been taken from the wreck by the Mexicans and carried ashore or burried in the sand to be disposed of by them at a more leisure time.

The Abispa was a Mexican vessel, sailing under the mexican Flag and when captured could show no papers.

she was consequently sent into Matagorda and by a Court of Admiralty condemned as a lawful prize of war, as would have been done under similar circumstances in any other country

At the time the Afispa was captured a mexican vessel which was said to have had the principal part of the Cargo of the Little Penn on board was seen and chased a short distance by the Brutus.

Perhaps this vessel was wrecked on the coast and the goods fell into the hands of the Mexicans who failed to account properly for them. If so, and it is probably the fact, with what propriety or justice can we be charged with them.

As you are aware there exists no disposition on the part of this Government to evade the payment of any indemnity that can be justly claimed by the Citizens of Great Britain in consequence of the alleged spoliations said to have been committed on her commerce by the National vessels of Texas; yet it cannot be expected that such indemnities will be granted without a proper investigation of the evidence touching each case

The Invincible and Brutus as you know sailed under positive orders, which were dictated at the time by a sense of prudence and expediency, rather than by reference to rules of international law as established between recognized nations, not to molest vessels belonging to neutral Powers, therefore, when it can be shown, as in the case of the Eliza Russell, that these orders, which issued regularly from the Navy Department, by direction of the President under the hand of the proper functionary were violated to the injury of neutrals, this Government is disposed to indemnify the individuals who may have thus suffered.

I now have the pleasure to announce to you that on the 12th of October ultimo, Anson Jones our Minister near the Government of the U. States at Washington acting under special instructions from this Government formaly withdrew the proposition for the annexation of this Republic to that of the U. States of America.

The question of annexation which embarrassed our negotiations in Great Britain so much being now definitely settled, I hope the recognition of our Independence by that Government and France will soon follow. Its withdrawal, by destroying the political combination which its pendency induced, and removing the cause of exciting debates in the Congress of both Republics respecting the propriety of the proposed admission, has had a tranquilizing effect on the public mind of the U. States and likewise proves no satisfactory to the People of Texas

The news from the interior of Mexico is favorable to Texas their intestine difficulties and the French blockade seem to engage the almost exclusive attention of the Government several of the States continue to act Independently of the Central Government and obey no orders issued by it

We learn from a letter said to have been written by a French Lieutenant at Havana, dated 17th instant, which was published in a New Orleans paper of the 21st. That the French blockading Squadron had commenced bombarding the Castle of San Juan de Ulloa and had also landed

75 men for the purpose of attacking Vera Cruz. If this news be true of which I have no doubt the City ere this has fallen into the hands of the French.

With respect to the prospects of our own Navy I have not been able here to say any thing encouraging but now have the gratification to state that our navy agent, Mr Samuel Williams has contracted at Baltimore for the immediate building equipping &c of a fleet for this Government which is to be composed of one Ship, two Barques or Brigs, and two Schooners, some of which are to be finished in 80 or 90 days from the date of the contract.

They are to be provisioned for a four months cruise and delivered at Galveston.

In their building we will have the friendly aid of Mr Henry H Williams of Baltimore, whose skill and experience in nautical matters are unsurpassed, which circumstance affords the most satisfactory assurances that the vessels will be of the very best quality. In addition to these he purchased conditionally the Steam Ship Charleston for the protection of our coast against Mexican Cruisers in the event of the difficulties between France and Mexico being adjusted before our fleet could be in readiness for action; leaving it optional with the Government whether it would take the vessel or not. With this acquisition to our Navy we can command the Gulf, annihilate the commerce of Mexico prevent an invasion, and force the Enemy into a reasonable peace. Mexico cannot subsist troops on this side of the Rio Grande unless supplies can be furnished by Sea. There is no local news of much interest. Emigration to this part of the Country is very great, and improvements of all kinds are progressing rapidly. Two Steam Packet Ships, Cuba & Columbia are plying between Galveston and New Orleans, and a third one is shortly expected to take her place in the same line. Messrs. McKinney & Williams have a Brig at Galveston sailing under the American colors laden with Cotton which they desire to send to France, but is apprehensive inasmuch as there exists no commercial relations between that Government and this, that she would not be allowed to enter a port of that Country. They intend sending one or two cargoes during the present season direct from Galveston to Liverpool.

The article published in a New York paper censuring Governor Cass and Mr Stevenson for their deportment towards you, was in accordance with your request contradicted by the Telegraph.

I have the honor to be, Sir, with great respect your

Obedt Servant

R. A. Irion

Hon J. Pinckney Henderson,
Agent & Minister of the Republic of
Texas near the Govt of Great Britain
and France, Paris

Department of State
City of Houston Novr 29/38

Sir

I have the honor to acknowledge the receipt of your 39th and 40th despatches.

The President is gratified to learn that the -

ratifications of the treaty of limits between Texas and the U States have been exchanged; and is extremely desirous that the Commissioner and Surveyor therein provided for should be appointed on the part of that Government with as little delay as possible, in order that this troublesome question, which has occasioned so much inconvenience to this Government, and dissatisfaction to the citizens of that border may be set at rest.

Shelby Corzine having declined to accept the appointment of Commissioner on the part of this Government, the President, during the recess of Congress, appointed Charles S. Taylor in his place, on whose nomination the Senate has not yet decided.

The treaty of Limits and the Convention of indemnity to American citizens for injury sustained in consequence of the capture of the Pocket and impressment of the Durango have both been promulgated in the usual form by proclamations of the President.

The people generally manifest great anxiety on the subject of the boundary line and desire that it should be marked out as soon as practicable.

The late Indian disturbances in Eastern Texas have been aggravated by the uncertainty of the true boundary and the absence of a Military force at the most eligible points to restrain the U States Indians from crossing Red River into Texas which they now do at pleasure far above Fort Towson without hindrance.

In Contravention of treaty stipulations the Caddos, numbering about 300 Efficient and Experienced Warriors, Shortly after the sale of their lands to the Government of the United States in 1834 without asking the consent of the authorities of this country removed to it and associated themselves with the prairie Indians; and have been ever since, with the exception of a few short intervals, committing depredations on our frontier settlements and are at this time combined with them and jointly waging an active marauding warfare against us.

By reference to the Journal of Julien Pedro Miracle an Officer in the service of Mexico, (a copy of which is herewith transmitted) it will be seen that an extensive Indian and Mexican conspiracy against Texas, which was perhaps intended also to involve the south western frontier of the United States, existed, under the direction of General Vicente Filisola, the Commander in chief of the Mexican Army.

Miracle traversed at the hottest season of the year upwards of 600 miles of our frontier among warriors of various indian tribes and was, even after the declaration of his purposes treated kindly by all of them.

He was killed about the 20th of August last near the cross timber on Red River by a citizen of that County, and the original of the Copy of the journal alluded to written in Spanish was found upon his body.

The movements of this Emissary of Mexico, when viewed in connection with the fact that in may and June last agents of Sundry tribes of North American Indians

visited Matamoras and procured from the authorities there large quantities of ammunition, and returned about the time that Miracle passed through Texas on his way in all probability to the great council of the Indians who have been removed west of the Mississippi, which was to take place in September last

It is reasonable to suppose that the Mexicans finding they are unable to reconquer Texas in order to gratify their vindictive passions against us would willingly see it desolated and again fall into the hands of savages

Could Mexico by the efforts of her emmissaries & spies produce simultaneously an Indian war on the frontier of Texas and the south western frontier of the United States, such a result might be possible, and if the object could not be fully attained the contest would as they are aware occassion the most calamitous events to Texas with no risk and but little expense to Mexico

The discontented indians of Arkansas are continually removing to Texas and joining those of their tribes who preceded them thither, which is gradually increasing their number and consequently the danger to us in case of an open rupture with them

It is most sincerely hoped that this circumstance will not be regarded with indifference by the Government of the U. States and that the greatest vigilance and precaution will be directed on its part to prevent in future such emigration to Texas the fine hunting grounds afforded by the Colorado, Brazos, Trinity Red Rivers and their tributaries present strong allurements to the bold enterprising and somewhat civilized indians of Arkansas occupying as they do districts less favorable to the enjoyment of their pursuits and dispositions, their hunting grounds are now being surveyed out under the authorities of the Republic which frequently occassions serious collissions between the surveyors and indians

We learn from the latest official news from eastern Texas that none of the North American tribes in that quarter except the Cadoes are in open hostility against us, and seemed better satisfied than they were a few weeks since, there can be no doubt however, that all those tribes entertain a secret and undying hatred to the Texians as well as Americans generally, which they will doubtless manifest by joining the enemy should future occurrences enable them to do so with the least prospect of success

With regard to the Cadoes I am directed by the President to instruct you to make a representation of these matters to the Government of the U. States and request the adoption of such measures as will lead to their entire expulsion from Texas

Since they came to Texas their perfidious actions present a continuous catalogue of depredations on the most exposed and defenceless settlements of the Country

The injuries which they have inflicted, severe as they are, are small when compared with the consequences which will necessarily follow should they be allowed to remain among the wild Indians The latter, when the former went among them carrying rifles, powder and lead in abundance, which had been obtained by the sale of their lands on Red River to the Government of the U. States, were but little acquainted with the use of firearms. Since then by the facil-

ties afforded them by the Cadoes they have become tolerable hunters and are much more efficient in war, and will ere long, should such a state of things continue, be equal to north American Indians.

You will also furnish the Government of the U States with a copy of Miracle's Journal.

It clearly shows that Mexico does not hesitate to employ American indians to fight against Texas.

The circumstances and coincidences attending the visit of the Cherokees and Cadoes to Matamoros in June last, and the Marching of Miracle to the villages of those bands in Texas and then leaving them and pursuing the direct rout to the Cherokee country in Arkansas several hundred miles before he was killed, induce those in this country best acquainted with the indian character, and the peculiar relations which exist between them, the United States and Texas, to suppose that Miracle was sent to attend the great council in Missouri for the purpose of combining the Arkansas indians with those of Texas for the destruction of the latter.

This view of the subject is in accordance with the policy of Mexico, for she has long since regretted the institution of the colonization system, and would now greatly prefer a population of indians from the Sabine to the Rio Grande to the old colonists the Texians.

The withdrawal of the proposition for the Annexation of Texas to the U States has given general satisfaction and will have a most favorable effect on our negociations in Europe.

I have received despatches from General Henderson up to the 5th of September, who was then in Paris negotiating for the acknowledgment of our Independence by the Government of France. He had received no positive answer from Count Molé, Minister for foreign affairs but expected to do so in a short time.

The difficulties existing between Mexico and France, I think will have considerable influence on the question. Should the blockade be kept up, as it is likely to be, we may reasonably expect an unconditional acknowledgment. If on the other hand the blockade should be raised and their disputes adjusted, nothing more than a commercial arrangement, similar to the one entered into between Texas and Great Britain will be effected at present.

I rejoiced to learn, as you doubtless have before this time, that the Navy Agent, Mr Saml. M. Williams has contracted for the building and equipping of five vessels of War for the use of this Government.

This fleet will enable us to command the Gulf, shut up the Enemies vessels in their ports, and ruin their commerce, which will render an invasion of Texas by Mexico impossible, for they cannot march an army into this country no matter how numerous, unless they can be provisioned by Sea.

Harrassments of this kind will soon force them to acknowledge our Independence, the acquisition of such a fleet will have the most happy tendency in securing the permanent and uninterrupted prosperity of the country, by inspiring confidence abroad, this

increasing emigration to Texas and procuring your mediation in Europe.

They are it is [illegible] all [illegible], and judge from the tenor of the [illegible] There [illegible] will keep our [illegible] occupied till our vessels will be afloat. [illegible] have been issued by this Government to Young J. [illegible], John A. [illegible] and E. A. Rhodes, [illegible]

I have the honor to be Sir with great respect
Your Obt Servant
R. A. Irion

Hon. Anson Jones
Minister Plenipo. of the Republic of Texas Washington D. C.

(Duplicate)

Department of State
City of Houston Decr 30 37

Sir

The undersigned, Secretary of State of the Republic of Texas has the honor to inform Mr La Branche, Chargé de affaires of the United States that his communication of the 29th ultimo, demanding of this Government in behalf of that of the United States payment for the Brigs Pocket and Durango the former having been captured by the Texian armed Schooner Invincible, on her passage to Matamoros on the 4th of April 1835 and the latter which was, in the month of March of the same year pressed into the Texian service at Matagorda; has been laid before the President for consideration; by whom the undersigned is directed to say, in reply to Mr La Branche, that so far as the Durango is concerned, he will recommend to Congress the propriety & justice of making an appropriation for the payment of the amount demanded.

To A. La Branche (Duplicate) Decr 30th 37 relative to Pocket & Durango

With regard to the Pocket circumstances attending her capture, and subsequent purchase in New Orleans from E. Howes, Captain thereof by Thomas Toby and brother, acting as Agents of this Government are of such a nature as to render it improper for the President, without further investigation, to recommend a second payment for said vessel.

It appears from documents in the possession of the undersigned, that on the 10th of May 1836, in the City of New Orleans for and in consideration of the sum of $3,500, to him in hand paid, by the Tobys and Brown & Hall, the said Howes, Master of the Pocket, executed a bill of sale for the said vessel to T. Toby and Brother with which amount the said Tobys, as agents of Texas have charged this Government.

Under this aspect of the case the question to be decided seems to be whether the acts of Howes, being master of the vessel, are obligatory on the owners. Throughout the world the Master is the accredited agent of the ship owner.

His Agency does not terminate with the capture of his vessel he still represents the ship and cargo, and is bound to use every effort not inconsistent with good faith, to protect and benefit their interests.

He may arrange with the captors and purchase the vessel, in behalf of the owners, before or after condemnation. If the capture be adjudged unlawful, he is the person

to receive her after judgment of restitution.

The agency of the master in this case was continued in behalf of the owners, independently of receiving payment for the vessel and freight, by the most solemn act he is ever called on to perform in his official character, viz his protest against the capture.

This document bears date the same day of the sale to the Messrs Toby, at which time he received full consideration for the vessel, freight, damages, demurrage &c.

The insurers in New York should have been informed of this arrangement with the master. Had the protest accompanied this information, the Insurance Company would have given a prompt and decided refusal to any application of the for either a total or a partial loss.

Whether Barclay and Livingston were possessed of this information does not appear; But as regards our responsibilities in the matter it is immaterial whether they were or were not apprised of it. It would be most extraordinary if third parties, arranging with the general accredited agent of the as the owners of the vessel, were responsible for the faithful application of funds committed to his hands in the regular course of his agency, or for losses resulting from his bad faith, or inattention. The demand on the insurance office does not appear to have been paid by any document presented to the undersigned; It is also inferable from the deposition of the president of the Insurance company that it was suspended for investigation.

If the payment to the master, made as it was in perfect good faith, and for the benefit of those concerned, were known to the company, it is presumed, that it would at once silence all claims on their part on this Government.

The accompanying documents marked A & B are copies of the bill of sale of the Pocket executed as aforesaid, by Capt. Howes to the Messrs Toby's and the relinquishment of all claims against the Government of Texas on account of said capture; should other evidence be desired by Mr La Branche to prove that the purchase was made as set forth in these documents, and for the purposes alledged, the undersigned will take great pleasure in procuring it with as little delay as possible.

In relation to the money and property said to have been taken from the trunk of Taylor by Damon, amounting in all to eight hundred dollars, the President will reccomend to Congress its payment in full.

The President regrets that the near approach of the adjournment of the late session of Congress, and the accumulation of business during the latter part of that session rendered it impracticable to have the subject acted upon before the adjournment; and directs the undersigned to state to Mr La Branche, that the whole matter will be laid before Congress early in the next session, which will commence on the second monday in april next, with such reccommendations, as will it is hoped, bring the negotiation to a conclusion, satisfactory to all parties concerned.

With respect to the indemnity for injuries afflicted on individuals captured with the Pocket; altho this Government views such conduct with indignation and horror, yet in this case the

there are some extenuating circumstances of which Mr La Branche is not aware, that the undersigned will communicate to him at any time when he may desire an interview on this subject

The Undersigned avails himself of this occasion to renew to Mr La Branch assurances of his high consideration and respect

R. A. Irion.

Hon: A. La Branche
Chargé de affaires of the
U States &c

Department of State
City of Houston Decr 8/38

Sir

I have the honor to acknowledge the receipt of your two letters of the 16th ultimo and the 5th instant on the subject of the tonnage duties which may have been charged upon vessels of the United States in the Ports of Texas since the arrangement was entered into between the two Governments, declaring the treaty of Amity Navigation and Commerce, existing between the said U States and Mexico binding on this Republic.

To A. La Branche relative to Tonnage duties, Decr 8th 38

In reply I have the honor to assure you, that the necessary steps will be immediately taken to prevent in future such charges; and a restitution of what has been collected on the part of this Government contrary to the stipulations of the said arrangement will be made.

Instructions have been forwarded to the Port of Galveston and to the Collectors of the other Ports of the Republic apprising them of the existence of the arrangement, but owing to some accident, it seems they did not reach our officers

I have the honor to be with great respect
Your Obt Servant
R. A. Irion.

Hon. A. La Branche
Chargé d'affaires of the
U. States, Houston

Department of State
Houston Decr 26th/38

To. J. P. Henderson &c

Sir

You will communicate to the Governments of Great Britain and France, that under the constitutional provision a change of the officers of this Republic took place on the 10th December 1838. as follows

To J. P. Henderson with list of Govt. officers under new administration Decr 26th 38

M. B. Lamar President
David G Burnet Vice President
Cabinet Officers
B. E. Bee Secretary of State
Sidney A Johnson " War
R. G. Dunlap " Treasury
M. Hunt " Navy

You will tender to the Ancient Govt of Great Britain and France the high consideration of the President,

I am very respectfully
Yours
Barnard E. Bee

To the U. S. Minister
Hon. Anson Jones.

Department of State
Houston Decr 26/38

Sir

In conformity with the Constitution a new Administration of this Republic commenced its operations on the 10th December in accordance with the Comity of Nations you will notify the Secretary of State of the United States of this change and of the existing Government —

To Anson Jones communicating change of administration Dec. 26 1838

Viz

M. B. Lamar President
D. G. Burnet Vice President
Cabinet
B. E. Bee Secretary of State
Sidney A Johnson " War
R. G. Dunlap " Treasury
M C Hunt " Navy

You will present the high considerations of the President to the Government of the U. States and upon all points connected with your mission you will communicate with this Department, a Secretary of Legation will promptly be sent to you

I am respectfully
Yours
Barnard E. Bee.

Department of State
Houston Jany 14th/39

Sir

In introducing Mr Bryan as your Secretary of Legation you will recognise a young Gentlemen entirely known to you both as a soldier of the 21st and a neighbour. you will introduce him to the Secretary of State, as having the full confidence of this Government

To Anson Jones introducing Mr Bryan as Secy of Leg. Jany 14th 1839

I am respectfully
Yours
B. E. Bee

Hon Anson Jones
Minister Plenty of the
Republic of Texas Washington D. C.

Department of State
Houston Jany 29/39

The Secretary of State by the direction of the President has the honor to submit the accompanying documents to the Honorable Mr La Branche in order that such action may be taken upon them as he may deem necessary

The President is desirous of affording all the facilities which the law has placed in his hands to aid the authorities of the United States in arresting and securing fugitives from justice who have sought refuge here, but as of

To M. La Branche relative to arrest of fugitives from U. States Jany 29th 1839

81. legitimate mode of communication between two Governments is through the accredited agents. If [illegible] cannot be officially known to this Government, [illegible] through the Honorable Charge d'Affaires of the U. States by [illegible] Mr. Pratt's authorizing [illegible] the views expressed in his communication, the President [illegible] that the opinion [illegible] individual, charged with [illegible] It is [illegible] should be made officially [illegible] Branch.

The Secretary of State deems it hardly necessary to add, that if such application be made the proper steps will be immediately resorted to by this Government for granting the request of Mr. Pratt.

The Secretary of State avails himself of this opportunity of renewing to the Honorable [illegible] the assurances of his distinguished consideration.

Barnard E. Bee

Department of State.
Houston Jany 19/39

Sir, I have the honor to acknowledge the receipt of your communication of the 15 Instant and have delayed answering it under the daily expectation of seeing General Rusk who I am persuaded from my confidence in his wisdom and great discretion, will be able to justify himself in the opinion of all parties and place in its true light what is now an apparent breach of neutrality.

In the absence, however, of this source of information, I am disposed to regard the statement in the [illegible] paper, as a highly coloured, if not erroneous exhibit of the facts, and should only lead us to further enquiry into the [illegible]

I will, nevertheless state, that this Government was informed that a certain number of the Caddo Indians had been induced, upon the remonstrance of General Rusk, to surrender their arms to Mr Sewal the United States Indian Agent, until the border war had terminated, Genl Rusk in the mean time promises on the part of this Government to furnish them with provisions.

Thus it would appear, so far as our present information extends, that the whole transaction has been conducted with no hostile feeling or purpose, and certainly could have originated in no disrespect to the Government of the U. States or wilful disregard of the rights of the Indians.

Towards the former Texas must ever wish to maintain the most amicable relations, and towards the latter this is disposed to act more in the spirit of forbearance, than with the desire of oppression.

Deferring the pleasure of making to you a full communication until I have been officially apprised of the proceedings of Genl Rusk, I have only to add, that that

Officer acted under no instructions from this Government

I have the honor of assuring you of my Great respect and high Consideration

Barnard E Bee

Hon A La Branch
Charge d' affaires of
U S America

Department of State
Houston Jany 31/39

Sir

[margin: Mr Jones acceptance of Dr J's Jan 31st 39]

Your draft in favor of McKinney & Williams per two Quarters salary, Two Thousand Dollars was immediately accepted

Very Respty Yours
Barnard E Bee

Dr Anson Jones

Department of State
Houston Jany 31/1839

Sir

I am happy to inform you that the withdrawal of the application has been sanctioned by congress so that no further action need be had upon it.

The President is determined to act with great energy towards the Indians who have been principally excited by the Mexicans living at Nacogdoches and he is particularly desirous that you should communicate with the U States Government in order that efficient steps may be taken to prevent any coalision with the different tribes of the U States, we have read with great pleasure the Remarks of Mr Poinsett in his late report

[margin: Anson Jones relative to Indians Jan 31st 39]

And am satisfied that every thing will be done. Mr La Branche has remonstrated to this Government, at the crossing the Sabine by General Rusk, and disarming the Caddoes; in the absence of that officer; Tho daily expected we have assured Mr La Branche of the total want of authority from this Government, but attribute it to the necessity of the case. Caddoes were found killed in the battles &c.

"And hence no doubt Genl Rusk's interference; he placed their arms in the hands of the U States Agent until the border war was over and agreed to furnish them with provisions, they alledging that they had procured arms merely for support and not with hostile intentions

I write in much haste and merely to give you the current information

Very Respty Yours
Barnard E Bee

Dr Anson Jones
Minister Plenry of
the Republic of Texas
Washington D C

Mirabeau B. Lamar President
of the Republic of Texas.

To all to whom these presents shall come, Greeting:

Know Ye, That for the purpose of establishing peace harmony friendship and good correspondence between the Republic of Texas and the Government of Mexico, and for removing all grounds of dissatisfaction between them, and reposing especial trust and confidence in the integrity, prudence and ability of the Honorable Barnard E. Bee, I have appointed him Minister Plenipotentiary of the Republic of Texas near the said Government of Mexico, and do hereby invest him with full and all manner of power and authority, for and in the name of the Republic of Texas to meet and confer with any person or persons, duly authorized by the said Government of Mexico, being furnished with like power and authority, and with him, or them, to agree, treat, consult and negotiate of and concerning peace, amity, commerce, navigation, and limits between the two Countries, and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties, convention or conventions touching the premises, transmitting the same to the President of the Republic of Texas for his final ratification, by and with the advice and consent of the Senate of the Republic of Texas.

Commission of B. E. Bee as Minister to Mexico Feb. 20th 1839

In testimony whereof I have caused the Great Seal of the Republic of Texas to be hereunto affixed.

L.S.

Given under my hand at the City of Houston this twentieth day of February in the Year of Our Lord, one thousand Eight hundred and thirty nine and of the Independence of the Republic of Texas the third.

By the President
Mirabeau B. Lamar

James Webb
Secy of State

Executive Department
Republic of Texas

To his Excellency
The President of the
Republic of Mexico

Sir

I have the honor by this letter of credence, which will be presented by the Honorable Barnard E. Bee, to accredit to your Excellency that Gentleman, whom I have commissioned as Minister Plenipotentiary and Envoy Extraordinary of the Government of Texas near that of the Republic of Mexico.

Letter of Credence of B. E. Bee to Presdt of Mexico 20 Feb 1839. Minis. Plen.

The objects of the mission of this functionary are to establish peace and to cultivate friendly relations and harmony between the Republics of Texas and Mexico. and there being others which do not admit of conveni

-ent specification in this letter, I have respectfully to refer your Excellency to such communications as he will render his instructions find it his duty to make to the proper department of your Government on the special subjects with which he is charged. 84

And I have to request that full faith and credit may be given by your Government to all he shall say on the part of this

(L.S.)

Given under my hand and the Great Seal of the Republic of Texas at the City of Houston this twentieth day of February in the Year of Our Lord one thousand Eight hundred and thirty nine

By the President.

Mirabeau B. Lamar

Department of State
Houston Feby 20th 1839

Honl Barnard E. Bee

Sir,

The President, anxious to effect a settlement of the existing differences with Mexico, and to restore peace and harmony, has appointed you Minister Plenipotentiary of the Republic of Texas, near the Government of that Country, I have therefore the honor to hand you your commission and credentials as such, and to express to you his wish that you will proceed with as little delay as possible by the most convenient route to Vera Cruz, or such other point as you may deem best, for making known to that Government the object of your mission

[illegible] instructions [illegible]

As this is the first attempt on the part of Texas to establish diplomatic relations with Mexico, it will be necessary to approach the subject with great caution and circumspection I would suggest the propriety of your stopping in the first instance at Vera Cruz, Tampico or such other point as you may select, and forwarding thence to the Government, a concise statement of the objects of your mission, and respectfully ask to be received for the purpose of exhibiting your authority and making known more fully the wishes of the President. This however is a mere suggestion, & not intended to control you in the course, to be pursued, should circumstances in your judgment offer a better one.

It is hardly to be expected that you will be formally received as Minister Plenipotentiary of this Republic, until a treaty of peace has been made, and the Independence of the Country acknowledged, Indeed such a reception would be in itself an acknowledgment of our legitimate existence as a nation and a virtual recognition of our Independence and as that is more than we can look, or even hope for until attained by negotiation, you will in the event of a refusal to receive you as Minister, make your propositions as the agent of this Government; and to enable you to so operate credentials for this purpose are furnished

Indeed it may be better not to make known your higher functions until you have sounded your way as agent and ascertained whether or not, they will be disposed to treat with you in either capacity, but in this as in all other matters preliminary to entering upon your negotiations you will be guided by your own judgment and discretion.

Your powers as agent are plenary, and under them you are fully authorised to negotiate for peace, and to form and sign a treaty securing it but in making such treaty you will require the unconditional recognition of the Independence of Texas and will admit no limits less than those prescribed by the act of Congress, entitled "An Act to define the boundaries of the Republic of Texas approved 19 Decr 1835. a Copy of which is hereby furnished you.

These two last points you will regard as Sine qua non to any permanent treaty with Mexico but if you find that it will aid you in the ultimate accomplishment of your objects to negotiate a treaty of peace and recognition in the first instance, leaving the questions of boundary to be subsequently settled in a general treaty of amity, limits, commerce, navigation, and intercourse, you are at liberty to form such a treaty, but in doing so you must be careful that nothing appears in it which could by any possibility be construed into an intention on the part of this Government to yeild any portion of the Territory claimed by the act of Congress to which I have already refered you.

In negotiating a treaty, having for its immediate objects nothing farther than the restoration of peace, the recognition of our independence, it will be better if it can be done, consistent with the claims of this Government to define the limits at once, as by doing so you will avoid much embarrassment and discussion in your future negotiations of a general treaty; you will therefore urge the subject as far as you can without involving the risk of breaking off your present negotiations and interrupting your future intercourse with the Government.

Should Mexico express a willingness to establish peace, and recognize the Independence of Texas to the extent of her original boundaries when forming a part of the Mexican Confederacy but peremptorily refuse to admit our claims to the entire territory embraced within the limits defined by the act of Congress, you may propose a compromise by negotiating for the purchase of all that portion of it which is not within the original boundaries, at a stipulated price, but the sum to be thus stipulated for it, must not exceed five millions of dollars, and that sum must be made payable in not less than five equal annual instalments, the first instalment to be made payable in one year after the exchange of the ratifications of the treaty.

The five millions will be the ultimatum of your propositions for the purchase, and you will of course commence your negotiations with propositions of a much less sum, and payable at longer periods, but should you succeed in effecting the purchase for a sum not exceed- [illegible] millio[illegible] Dollars, you may if you find it

necessary stipulate that the whole of that sum shall be paid in one year after the exchange of ratifications

It is understood that Genl. Santa Anna is again at the head of the Mexican Nation, and if so this must be a propitious moment for the commencement of your negotiations

By a secret agreement made between him and the cabinet of this Republic at Velasco on the 14th May 1836, he promised that he would not take up arms himself, nor cause them to be taken up against the people of Texas during the war of Independence; that he would prepare the Cabinet of Mexico for the favorable reception of a Minister, through whose negotiations all differences might be settled, and the Independence of the Country acknowledged; and that a treaty of Commerce, amity and limits should be established between the two countries, the limits of Texas not to extend beyond the Rio Bravo del norte

This agreement stipulates for all that we ask, and as Genl. Santa Anna has once pledged himself to use his influence to carry it into effect, it is believed that it may be rendered very available by you, in the event of your finding him at the head of the Mexican Government, You are therefore furnished with a Copy of it

It is true that the stipulation in this agreement to send Genl. Santa Anna at once to Vera Cruz was not litterally fulfilled on the part of the Texian Government at that time; and this may be urged as a reason for absolving him from the moral obligation which it implies, but the causes of the non fulfilment of that stipulation are well known to you and to him; and as they involved no want of faith on the part of this Government, but were forced upon it by uncontrolable circumstances, the moral force of the agreement is left wholly unimpaired; and more especially as it was complied with and enforced, as soon as it could be done consistently with the personal safety of Genl. Santa Anna

He was subsequently set at liberty and sent out of the Country, in virtue of this very agreement, and in the only way which was deemed safe to himself and conducive to the accomplishment of the objects contemplated by it.

It is not contended by this Government that the agreement made with General Santa Anna while in this Country and a prisoner of war, is legally binding on the Mexican Government; but it is a well established principle of the law of Nations, that the person who makes promises under circumstances similar to those in which the President of the Mexican Republic was placed while here, is afterwards bound to use his influence in causing those promises to be respected by his Government and that the Government itself is bound to make many sacrifices rather than permit them to be violated. This principle of the law of Nations may be useful to you in your negotiations, and I therefore refer you in support of it, to Vattel and other writers on international law

Besides in asking for the fulfilment of the Stipulations of this agreement, we do not believe that we are requiring any sacrifices on the p[art of] the Me[xican]

Government which will not be more than made up to that country, by the advantages which will ~~not be more than made up to that country by the advantages which will~~ result from the establishment of peace and a friendly intercourse between the two nations. Apart from all the obligations which it imposes there are weighty reasons for the acknowledgment of the Independence of Texas by Mexico, and for the forming a general treaty of amity, commerce, navigation, and intercourse between the two countries, and these reasons may be urged with peculiar force in your negotiations. Among them are 1st. The entire dissimilarity in education, habits, manners, disposition, and pursuits of the inhabitants of the two countries, and the utter impossibility of their ever assimilating and moving harmoniously together if they were again united.

2dly. The total incompatability of ideas entertained by the people of the two Republic's as to the peculiar forms of Government best adapted to the wants and rights of man.

3dly. The conflicts which must inevitably grow out of this incompatibility of sentiment, and the injuries which would result from them if the anglo Saxon race now inhabiting Texas should be again commingled under the same form of Government with the Spanish race of Mexico.

4thly. The inconvenience and worthlessness of Texas to Mexico on account of its remoteness from her seat of Government and the main body of her population, and also on account of its contiguity to the U. States of the North, where in any state of things most of its intercourse must necessarily tend.

5thly. The difficulties which Mexico would always experience in keeping the Indians bordering on Texas in check at so great a distance from them.

6thly. The advantages which would necessarily result to both countries from a friendly intercourse and traffick conducted in the spirit of reciprocal kindness and harmony, and

7thly. The disposition which Texas has manifested since the battle of San Jacinto to rely upon friendly negotiations for the settlement of her differences with Mexico, rather than a farther resort to war, and the confidence which she has reposed in the promises of Genl. Santa Anna, made shortly after that battle.

Had Texas been disposed to farther hostilities with Mexico she has had a most inviting opportunity for invading that country during the domestic conflicts by which it has been harrassed on the one side, and the embarrassments produced by the french invasion on the other. This forbearance affords the strongest evidences of her desire for amity, a desire which nothing will destroy but an evident attempt to do her injustice and wrong.

These and other arguments which will suggest themselves to you may possibly be used with much effect in your conferences with the persons who may be selected to negotiate with you.

The President, aware of the great importance it is to the prosperity of this country, that its differences with Mexico should be adjusted and a permanent peace established as early as possible and not willing that any opportunity for

the accomplishment of so desirable an object should be lost, has also furnished our Minister near the Government of the United States with plenary powers to treat for peace and Independence with the Mexican Minister at Washington, or with such other person as may be appointed to negotiate with him, should that Government be induced, through the mediation of the United States to open a negotiation at that City. But the authority and instructions given to Genl. Dunlap on this subject are not intended in the slightest degree to impair the powers given to you, or to lessen the efforts which you are expected to make in Mexico.

On the contrary, it is believed that the double mission will have a tendency to accellerate the attainment of this most desired object, and that he by invoking the mediatorial aid and influence of the United States, may materially benefit you in your negotiations.

He is therefore instructed to keep you advised of all important matters which may transpire at Washington in reference to this subject after he shall have been informed of your official reception at Mexico.

You will also freely communicate with him respecting the affairs of your mission so that he may at all times be apprised of the course pursued by the other, and to prevent the subjects of your respective communications becoming known in the event of the miscarriage of your despatches, you are each furnished with a corresponding Cypher, in which all letters of business will be written. You will also cause your despatches to this Government to be made out in the same Cypher.

Knowing as little as we do of the real disposition of the Mexican Government in regard to this or of its feelings in respect to the people of this Country, no positive instructions can be given you as to the performance of the various duties which may devolve upon you, the foregoing views are offered more as suggestions to you, than as positive mandates. The Cardinal points of your mission are, the restoration of peace, the acknowledgement of the Independence of Texas, and the recognition of her limits as defined by the Act of Congress before refer'd to. All beyond this is left to your own judgment. You are well acquainted with the condition of this Country, its prospects, wishes, and expectations, and also of its ability to sustain itself in the event of a future conflict; and the President relying much on your ability to conduct matters of so much delicacy and importance, refers its details to the exercise of your sound discretion, being well assured, that the honor, reputation and interests of the nation will be safe in your hands.

Wishing you all prosperity, individually and officially; and that entire success may crown your mission

a e i o u y t n s r h l d m
2 3 4 5 6 7 8 9 X Λ L O &

The figure 1 is used to fill the spaces between the word, and means nothing

I have the honor to be
With great Respect
Your Obt. Servant
James Webb

The above is the Key to the Cypher furnished the Hon. Barnard E. Bee & to the Hon. Richard G. Dunlap and is to be retained in the State Departm

Department of State
Houston March 14th 39

Sir

I have the Honor to acknowledge the receipt of your note of the 13th Inst calling my attention to a note dated January 29th from my predecessor in office in answer to a letter of yours of the 15th of the same month, requiring of this Government an explanation of the conduct of Genl Rusk in violating the territory of the United States and requesting a more full and satisfactory reply than was given by Col Bee to that letter.

To Hon. Alce La Branche relative to Genl Rusk report. 14th March 1839

In answer I have to state that as soon as such information was received by this Department in reference to the transactions to which you allude as enabled this Government to act upon the subject instructions were immediately prepared, directing Genl Dunlap (recently appointed Minister Plenipotentiary to the U. States) to present the subject in such a light, and to make such explanations to that Government, as will it is hoped prove entirely satisfactory to it.

The official report of Genl Rusk in relation to his late campaign against the Indians was not received until last evening, and in consequence of the temporary absence of the President from the seat of Government, I have not had an opportunity of obtaining his views in reference to all the matters which it embraces; but knowing as I do, that it is as unalterably his determination to do no wrong to other nations as it is to suffer none to be done to this, and knowing also the great desire which he feels to maintain the most friendly relations with the U. States, I am well assured that he will cause such orders to be given to the officers commanding the troops of this Country as will, while they secure our own rights, cause those of a friendly neighbor to be respected.

I avail myself of this occasion to assure you of my distinguished consideration and respect

James Webb

Hon. Alcée La Branche
Chargé d'affaires of the
U. States of America

Executive Department
Republic of Texas

To His Excellency
The President of the
Republic of Mexico

To Presdt of Mexico letter of credence of B. E. Bee as Agent. 20th Mar. 1839

Being anxious to restore peace and establish harmony between the Republics of Texas and Mexico, I have the honor to accredit to your Excellency the Hon. Barnard E. Bee whom I have appointed agent of the republic of Texas near the Government of Mexico, for the purpose of making such propositions and conducting such negotiations as will lead to that desirable end. This letter will therefore be presented to you by that Gentleman.

The great objects of the mission of this agent are the restoration and establishment of peace and the cultivation

of friendly relations between the two countries and there being others which do not admit of convenient specification in this letter, I have respectfully to refer you to such communications as he under his instructions will find it his duty to make to the proper Department of your Government on the special subjects with which he is charged.

And I have to request for him that full faith and credit may be given by your Government to all he shall say on the part of this.

(L. S.)

Given under my hand and the great seal of the Republic of Texas at the City of Houston, this twentieth day of February in the Year of Our Lord one thousand eight hundred and thirty nine.

By the President

Mirabeau B. Lamar
President of the Republic of Texas,
To all to whom these presents shall come Greeting;

Commission to B. E. Bee agent to Mexico, 20th Feb. 1839

Know Ye, that for the purpose of establishing peace harmony friendship and good correspondence between the Republic of Texas and the Government of Mexico, and for removing all grounds of dissatisfaction between them, and reposing especial trust and confidence in the integrity prudence and ability of the Hon. Barnard E. Bee I have constituted and appointed him the Agent of the Republic of Texas to make all necessary propositions to the said Government of Mexico for said purpose. And I do hereby invest him with full and all manner of power and authority, for and in the name of the Republic of Texas to meet and confer with any person or persons duly authorized by the said Government of Mexico, being furnished with the like power and authority, and with him or them to agree, treat consult, and negotiate of and concerning the recognition of the Independence of Texas by the said Government of Mexico, and of and concerning peace, amity, commerce, navigation, and limits, between the two countries, and of all matters and subjects connected therewith, and to conclude and sign a Treaty or Treaties convention or conventions touching the premises, transmitting the same to the President of the Republic of Texas for his final ratification, by and with the advice and consent of the Senate of the Republic of Texas

In testimony whereof I have caused the great seal of the Republic of Texas to be hereunto affixed.

Given under my hand at the City of Houston, this twentieth day of February in the year of Our Lord Eighteen hundred & thirty nine and of the Independence of the Republic of Texas the Third.

By the President
James Webb
Secy of State

11.

Department of State
Houston March 15th/39

Sir

I have the honor herewith to transmit to you copies of two circular letters from the treasury Department to the Collectors of the Customs for the several ports in Texas on the subject of Tonnage duties heretofore collected from vessels of the United States

I avail myself of this opportunity of renewing the assurances of my distinguished consideration and respect

James Webb

Hon A La Branche
Charge d'affaires of the
United States Houston

[Margin: To A. La Branche relative to Tonnage &c March 15th 1839.]

Department of State
Houston March 14th/39

Moses Austin Bryan Esqr
Sir

The President having recalled the Hon: Anson Jones by the appointment of the Honorable Richard G Dunlap Minister Plenipotentiary of this Government near that of the United States and Samuel A. Roberts Esqr having been selected as his Secretary of Legation, I am directed to say, that as your services will no longer be required at Washington, you will return home at such time as may be convenient to you.

I have the honor to be
Very Respectfully
Your Obt Servt
James Webb

[Margin: To M. A. Bryan letter of recall March 14th 1839.]

Republic of Texas
Department of State
Houston March 14th/39

The Hon
Anson Jones.
Sir

The President having appointed the Hon: Richard G Dunlap Minister Plenipotentiary of the Government of Texas near the Government of the United States, I am directed to request you to turn over to that Gentleman, all the books, papers, seals, and archives of the Texian Legation at Washington, and to say, that as your services will no longer be required near that Government, you will return home at such time as may be convenient to you.

I have the honor to be
Very respectfully
Your Obt Servt
James Webb

[Margin: No To Anson Jones recalling him as Minister to U.S. March 14th 39.]

I Mirabeau B. Lamar President
of the Republic of Texas

In the name and by the authority of the same and by virtue of the powers vested in me by Law, do by these presents fully authorize and empower the Honorable Richard G. Dunlap, Minister Plenipotentiary of the Republic of Texas near the Government of the U. States for and in the name of said Republic of Texas to meet and confer with any person or persons, duly authorized by the Government of Mexico, and being furnished with equal power and authority, and with him or them to treat consult negotiate and agree, of and concerning the acknowledgement and recognition of the Independence of the said Republic of Texas by the said Government of Mexico, and of and concerning Limits Commerce, Navigation and Amity between the two countries and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties, touching the premises transmitting the same to me or my successor in Office for final ratification by and with the advice and consent of the Senate of said Republic of Texas

Commission to R. G. Dunlap as Minister to United States with power to confer with Agents of Mexico. Austin March 13th 1839

And the said Minister Plenipotentiary of the Republic of Texas near the Government of the United States is hereby fully authorized and empowered to treat and consult for and in the name of said Republic of Texas with such person or persons as may in like manner be duly authorized and empowered by the Government of Mexico concerning the suspension of all farther hostilities between the Armies, fleets, and people of said countries until such time as their respective rights and claims can be amicably discussed and adjusted, and to make and sign any convention respecting the same which may be agreed upon by the parties authorised to treat and consult as aforesaid

In testimony whereof I have caused the great seal of the Republic of Texas to be hereunto affixed

Given under my hand at the City of Houston the Thirteenth day of March in the Year of Our Lord Eighteen hundred and thirty nine and of the Independence of the Republic of Texas the Fourth

By the President

Mirabeau B Lamar

James Webb
Secy of State

Mirabeau B Lamar President
of the Republic of Texas

To all to whom these presents shall come Greeting"

Commission to R. G. Dunlap as Min. Plen. to U. S. March 13th 1839

Know Ye that for the purpose of confirming between the Republic of Texas and the Government of the United States perfect harmony and good correspondence, and of removing all grounds of dissatisfaction; and reposing especial trust and confidence in the integrity prudence and ability of Genl. R. G. Dunlap, I have appointed him Minister Plenipotentiary of the Republic of Texas near said Government of the United States and do hereby invest with full and all manner of power and authority for an

the name of the Republic of Texas to meet and confer with any person or persons duly authorized by the said Government of the U States, being furnished with like power and authority and with him or them to agree, treat, consult and negotiate of and concerning Amity, commerce navigation and limits between the two countries; and of all matters and subjects connected therewith and to conclude and sign a treaty or treaties convention or conventions touching the premises transmitting the same to the President of the Republic of Texas for his final ratification by and with the advice and consent of the Senate of the Republic of Texas

In testimony whereof I have caused the Great Seal of the Republic of Texas to be hereunto affixed

Given under my hand at the City of Houston the thirteenth day of March in the Year of our Lord eighteen hundred and thirty nine and of the Independence of the Republic of Texas the Fourth

By the President

Mirabeau B Lamar

James Webb
Secy of State

Department of State
City of Houston March 13th/39

Hon. Richard G Dunlap

Sir,

R. G. Dunlap letter of instructions Etc. March 13th 1839.

The President having appointed you Minister Plenipotentiary of the Republic of Texas near the Government of the U States I have the honor to hand you your Commission and credentials as such, and to express his desire that you will proceed to the City of Washington with as little delay as possible, and assume the duties which will devolve upon you in virtue of your appointment

Upon your arrival at Washington you will take possession of the archives, papers, seals and books of the Texian Legation, and in carrying out the policy heretofore pursued by this Government in its diplomatic intercourse with the one to which you will be accredited, I refer you to the instructions given to your predecessors and which will be found among the papers of that Legation.

You are well acquainted with the present condition of this Country, and its policy both foreign and domestic, and the President reposing entire confidence in your prudence and capacity relies much on the exercise of your judgment and discretion in the management of our diplomatic relations at Washington, being well assured that you will conduct them in such a way as will advance the best interests of the Country and reflect credit upon it in the character of its minister

Detailed instructions upon all the subjects which you may find it proper to discuss, are not deemed necessary at this time,

but there are a few matters to which your attention is especially called.

The first in importance, of these is our relations with Mexico. It is believed that the time has arrived when overtures for peace may be successfully made to that Government, and it is the wish of the President that such overtures should be made; but the manner of making them must be left entirely to your judgment and discretion. After your arrival at Washington, you will avail yourself of such information as you can obtain, either in oral conversations with the Secretary of State, or from other respectable sources as to the best mode of approaching the subject and act accordingly, seperate authority having been given you for that purpose and it is desirable that your action should be as early and speedy as possible, having due regard for your own dignity and the dignity of your country in making your propositions.

The propriety of invoking the mediatorial aid of the Government of the United States in bringing about a negotiation for the settlement of the differences between this Country and Mexico, and the benefits which would result from the friendly interposition of that power in conducting such a negotiation will no doubt suggest themselves to you; but whether your proposition to treat with Mexico, should be made indirectly through the Secretary of State of the U. States, or directly to the Mexican Minister at Washington, must be determined by yourself upon such information as you may obtain after reaching that City.

Should the Government of the U States consent to become a Mediator, there are many considerations which you can suggest to the Secretary of State, and which he might urge upon the mexican Minister with great force, as reasons why the Independence of Texas should be acknowledged by Mexico and a treaty of Amity and commerce entered into between the two Governments.

Among these reasons are 1st The absolute impossibility of Mexico's reconquering Texas.

2d The entire dissimilarity of education, habits manners disposition and pursuits of the inhabitants of the two countries, and the impossibility of their ever assimilating and moving harmoniously together if they were reunited.

3rd The dangers which would inevitably result to Mexico if the Anglo Saxon race now inhabiting Texas, should with their peculiar notions of liberty and the rights of Man, be again commingled with the Spanish race inhabiting Mexico under the same form of Government.

4thly The total worthlessness of Texas as a Country to Mexico, as was shewn by her indisposition and inability to settle it until foreigners, known to possess feelings and impressions different from her own Citizens, were allowed to occupy & reclaim it from the wilderness, and defend it from the Indians.

5thly The advantages which would certainly flow from a free and friendly commercial intercourse between the two countries upon the restoration of amicable relations between them.

6thly The forbearance exercised by Texas towards Mexico after

the battle of San Jacinto; in not availing herself in a hostile manner of the advantages which that battle had given her over her then prostrate foe; and especially the magnanimity she has since displayed in submitting to so long a suspension of hostilities while Mexico has been laboring under the embarrassments of an invasion by France, on the one side, and a state of actual revolution and war by a part of her own Citizens on the other.

Had Texas not relied for a settlement of her differences with Mexico upon amicable negotiation, rather than a farther resort to war, she has had a most inviting opportunity for invading that Country; but she has generously forborne and this forbearance may with much propriety be urged as a reason for her doing us that justice now, which she will ultimately be compelled to accord.

These and other reasons which will suggest themselves to you, may all be presented to the Secretary of State in your conferences with him on this subject

Should any person be authorized by the Mexican Government to enter with you upon this negotiation, you will require in the first place the unconditional recognition of the Independence of this Country, and in defining our territorial boundary you will insist upon the limits prescribed by the act of Congress entitled "An Act to define the boundary of the Republic of Texas," approved December 19th 1836 a certified copy of which is herewith furnished you.

But should you be unable to get a recognition of our Independence with an acknowledgment of the right of territory to the extent of those limits you will then endeavor to obtain the recognition of the Independence of Texas, and leave the question of limits to be settled by future negotiation entering into a stipulation at the same time for an entire cessation of all hostilities until that question is settled

Failing in all these efforts, you may then consent to an armistice or cessation of hostilities for two years, which hostilities are not subsequently to be renewed without a notice being given by the party intending to renew them, to the other party, of at least six months, of such intended renewal; But you will not consent to an armistice at all, unless its provisions are made to extend over the entire territory claimed by Texas under the act of Congress before refer'd to nor unless the U. States will become the Guarantor for the faithful performance of its provisions by Mexico

In demanding such a guarranty, it is probable a similar one will be required of this Country, and in that event, you may pledge the solemn faith of the Nation to the Government of the U States for the faithful performance on our part of the stipulations of the Armistice, provided that Government consents to become our Guarantor to Mexico

In your intercourse with the Government of the U. States, upon subjects connected with our relations to that Government, you will upon all proper occasions respectfully urge the necessity of the most rigid observance on the part of both, of the 33d article of the Treaty entered into between

the United States and Mexico on the 5th day of April 1831 —

By that article both parties expressly bound themselves to restrain by force all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that neither party would suffer their Indians to attack the citizens of the other.

You are aware that, for some time past aggressions have frequently been committed by the Indians contiguous to the boundary between the two nations, and the most ample evidences have been furnished to this Government, that the Indians of the United States have been the ones principally concerned in these aggressions. The persons of several of those killed in battle have been identified, and besides other strong proofs of the fact, their flight to the territory of the United States when closely pursued, shows that they claim that territory as their place of abode and protection —

The Caddoes it is thought are the foremost and most frequent perpetrators of these outrages. These Indians are unquestionably a part of those belonging to the United States, and from the incursions of which, that Government by its treaty with Mexico, is bound to protect us. You will see by adverting to a treaty made with these Indians by the United States, subsequent to the treaty with Mexico, that they were recognised as residing within the limits of Louisiana. That treaty is not among the archives of this Government, nor have I seen it, but I understand that it stipulates for the purchase by the United States of all the territory occupied by that tribe within their limits, and that these Indians should thereafter leave the country. I understand, also that the Caddoes in compliance with these stipulations did leave the United States and came into Texas where they have since pursued a wandering and predatory life, occasionly making war upon the citizens of this Country, and committing the most atrocious murders and burglaries, and that they annually return to the United States to receive the payments agreed to be made for their lands, which payments are made in arms, ammunition and such other articles, as enable them the more effectually to carry on their hostile operations here.

You will be able to obtain at Washington a copy of that treaty, and if upon a reference to it, you find that there is any admission or recognition of the fact, that these Indians did at the time and before its execution reside within the territory of the United States, you can have no difficulty of convincing that Government of the propriety and necessity of adopting such measures as are required to prevent their future incursions and hostilities in Texas.

The sense of justice so constantly manifested by that Govt. in its intercourse with other nations, will not permit us to believe that she would contend for the right of purchasing the usufruct of any tribe of Indians occupying a portion of her soil, and force them upon a neighbor for their future residence. Such a supposition is not only repudiated by her past conduct as a nation, but it is expressly forbidden by her own stipulations in the treaty with Mexico —

Besides it is not the Caddoes alone who have committed these offences. Most if not all the tribes within the United States, and contiguous to our boundary, have been engaged in them, and are at this moment in a state of open and avowed hostility to this Country. The report of Major General Rusk (a copy of which will be furnished you) together with the accompanying affidavit of Mr Elias Vansickles, will shew that the Cherokees, Delawares, Shawnees, Choctaws, Coshatties, (a creek tribe assuming that name) Baluxies and Houcanies have all either been directly engaged in committing murders and other depredations in Texas.

[illegible] their [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] of this country, the reason [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] has been [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] to make any [illegible]

I have the honor to be [illegible]
Your Obedt Servant
[illegible] Bee

Department of State
Houston 20th March 1839

Hon. Richard G. Dunlap

Sir,

Since the [illegible] of your instructions [illegible] date, information has been received at this Department of a character that renders it necessary that some of the matters be added thereto.

The revolution which was set on foot in Mexico some time since, by the "Liberal" or Federal party, contending for the Constitution of 1824 against the "Central" government of that Country, has assumed a state that authorizes the belief that it must eventually succeed. Indeed a report has reached us to day, from New Orleans, that it has succeeded, and that Santa Anna who it is said has united himself with that party, is now at the head of the Government. If this report be true it will remove many of the embarrassments which might have been presented to your negotiations. The Liberal or Federal party in Mexico have always professed to entertain the most friendly sentiments towards this Government and some of their influential men, both in rank and [illegible] have opened a correspondence with the President. In that correspondence they address him as "President of the Republic of Texas", and thereby recognise him as being in the exercise of sovereign authority, and ask his concurrence in certain political arrangements deemed [illegible] to both countries. They speak of the justice of this government, and propose to reciprocate friendly offices [illegible] [illegible] of either, which [illegible] [illegible] from one to the other. Indeed Santa Anna himself stands committed by his [illegible] obligations and promises to this Government, to use all of his influence to procure an acknowledgement by Mexico of the independence of Texas, [illegible] these obligations and promises [illegible] [illegible] [illegible] state to [illegible] adopt [illegible], if it be true that he is now at the head of the Mexican Government.

But whether the revolution has succeeded or not, the President believes that the recognition of our independence [illegible] [illegible] by sending a Minister direct to Mexico with [illegible] [illegible] to negotiate a treaty with that Government having for its object the acknowledgement of the independence of Texas and a reciprocal trade and [illegible] between the two countries; and to this end, he has commissioned the Honorable Bernard E. Bee, as Minister Plenipotentiary of the Republic of Texas near the Government of Mexico —

The instructions to be given Col. Bee will be strictly in accordance with those given to you in reference to this subject, and he will be directed to keep you at all times advised of his acts, and instructed of effecting anything definitely, should he be accredited as our Minister by that Government &c. & you will also freely communicate to him from time to time such matters of importance as may transpire at Washington, in regard to this negotiation; so soon as you may learn that he has been received by the authorities at Mexico, and to prevent the subjects of your respective communications becoming known in the event of the miscarriage of your dispatches in their transmission, you are each furnished with a corresponding cypher in which all letters of business connected with your missions will be written.

In sending Col. Bee to Mexico it is not intended in the slightest degree to impair the powers given to you in regard to this subject, or to supersede the efforts which are expected from you at Washington in bringing about the negotiation. On the contrary it is believed that the double mission will have a tendency to accelerate that object and that you may mutually and materially aid and benefit each other. In your conference with Mr Forsyth therefore (should you invoke the mediatorial aid of the Government of the United States) you will make known to him that a Minister has been sent to Mexico by this Government to aid in the accomplishment of the objects which you will be seeking to attain by your negotiations at Washington, and if you could induce him to ask of the Government of Mexico, the reception of our Minister in his public character, it would no doubt have much influence in procuring his reception.

Accompanying despatches just received from Washington is a printed copy of a message from the President of the United States to the Congress of that nation, "communicating information in relation to the invasion of the South Western frontier by an armed force from the Republic of Texas".

In the documents communicated with that message, it is alledged that Genl. Rusk at the head of Texian Army, had been invading the territory of the United States; and the Hon. Mr Garland in addressing the President on the subject hopes "that prompt action will be "had on this matter, as it is time the officers of the Texian Government should "be informed they cannot come into the State of Louisianna with an armed "force, at their will and pleasure"——

The Causes which led to this alledged invasion of the territory of the United States, you will find detailed in the report of Major General Rusk; and that he was justified by the circumstances, in his pursuit of the enemy across the Sabine, is a principle of public law, too well established and understood at this day, to require argument or reference to authority to prove it. It is a principle which has always been recognised by the Government of the United States, and one upon which it has invariably acted, under similar circumstances——

In your discussions with the Secretary of State upon this subject, should the correctness of this principle be doubted, (which I can hardly imagine) you will not only be able to justify and sustain it by a reference to all the writers on international law, but you will find it fully sustained in the arguments which grew out of the alledged invasion of Florida by Genl. Jackson in 1814. — As late as March 1854, the Committee on Foreign affairs in the United States Congress, to which was referred the petition of F. M. Arredondo, in behalf of himself and others, for the payment ~~of the payment~~ of the claims of persons whose property was destroyed by the military operations of the American Army in Florida, used through their Chairman Mr Archer, the following explicit language in reference to this legal principle.

"It is one of the most unquestioned principles of public law, that a discomfited "enemy may be pursued into the territory of a neutral power, resulting to "repel them from this refuge. The right, tho' not of more unquestionable "validity, is of more essential character, to enter a neutral territory for the "chastisement of a hostile force, rendering it subservient to purposes of annoyance "either from the connivance or imbecility of its Guardian" ---- The Committee then go on to say that "the American Army was sustained by both of these "principles in its invasion of Florida in 1814." and the application of the first of "them was moreover reinforced by the express stipulation of the 5th article of the "treaty between Spain and the United States of 1795", an article which you will find precisely similar in its provisions and phraseology to the 33d. article of the treaty of 1831 between the United States and Mexico. With this full recognition of the same doctrine in reference to this matter the President cannot believe that you will have any difficulty in satisfying the United States Government of the legality and propriety of the course adopted by Genl. Rusk in pursuing the Caddoes, who had not only been invading this Country and murdering its Citizens, but who had actually made an attack on his forces in their own encampment, and that too in a part of the Republic about the boundaries of which, there is and can be no dispute.

It is not deemed proper to interfere with the treaty between the United States and Mexico at this time, but if the Government of the United States, without interfering with that treaty, will consent to enter into an express stipulation authorizing the Commanding officers of the forces of either to cross the boundary when in pursuit of an Indian enemy, you will agree to such stipulation on the part of this Government subject to confirmation by the Senate. Such a stipulation would tend much to prevent the complaints which will always arise, when an act of this kind is done under no other authority than that given by the Law of Nations.

Border inhabitants are usually but little conversant with the principles of international law, and are apt to look upon such an invasion, however necessary and correct in itself, as an encroachment upon National dignity and individual rights, and they complain accordingly.

Besides, if it were distinctly known that such a course was authorized by the two Governments, it would have a tendency to prevent the Indians of either country from crossing the line, as they would soon learn that such hostile incursions could not be made with impunity.

I have the honor to be
Very respectfully
Your Obt. Servant
James Webb

Department of State,
Houston, 14th March 1839.

Hon. Richard G. Dunlap.

Sir.

The accompanying instructions were prepared some three or four weeks since, and at a time when it was contemplated to send the Hon. Barnard E. Bee to the United States as the Minister Plenipotentiary of this Republic: subsequent events however induced the President to change the destination of Col. Bee by sending him as Minister to Mexico and to appoint you to represent this Government at Washington; and as the instructions are in all important particulars, applicable to the duties which will devolve upon you, they are altered only in substituting your name in the place of

Col. Bee's, and changing the dates so as to make them correspond with the date of your appointment. This has been done to avoid the delay which remodelling and recopying them would have produced, but it is proper to apprize you that since they were prepared, positive (though unofficial) information has been received that Genl. Santa Anna is at the head of the "Central" or Government party of Mexico, instead of having united himself with the federal party as was then supposed. This however, has produced no change in the policy of this Country. It is still believed that a mission to Mexico may produce the most important and favorable results to Texas, and Col. Bee will proceed forthwith on that mission. Indeed we entertain the hope, that General Santa Anna's having assumed the reins of Government as the head of the "Central Party" will operate more to our advantage, than his heading the "Federal Party" could have done. His solemn promises when in this country to use all his efforts to cause the Independence of Texas to be recognized by Mexico, must have great influence with the leading men in power, especially if he be now disposed to carry out in good faith those promises, and the known wishes of the Federalists to enter into amicable arrangements with the people of this Country may accelerate that measure, as it would be one step on the part of the Central Gov. [illegible] towards conciliating a formidable opposition.

[illegible] letter of [illegible] 14th March 1839.

When my letter of instructions of this date was prepared, I was induced to believe from the information which I then possessed, that the alleged invasion of the territory of the United States by Major Genl. Rusk in his late campaign, was only a pursuit of the Indians across the boundary line after he had been attacked by them in his own encampment within the acknowledged limits of Texas, but upon the perusal of his official report of that transaction, (which has just been received) I find that I was mistaken in this particular.

It appears from his report that the Caddo Indians, having recently been committing the most atrocious outrages and murders in Texas, and having learned that they were then encamped near Shreveport with the intention of proceeding once more to this Country, he marched his command to their encampment, and disarmed them, after they had evinced evident hostility by firing at his advanced guard, and then took them to Shreveport, where they together with their arms and ammunition were delivered into the charge of their Agent.

You will see from the report of Genl. Rusk and the documents appended to it, that this proceeding of his was conducted with as much humanity towards the Indians as could be exercised, and it certainly did not arise from any disrespect on his part to the rights of the United States or from any disposition to contemn their authority. It was however an act of his own, and unauthorized by any instructions which had been given him by this Government; and altho' the conduct of these Indians affords strong reasons for excusing the course pursued by him in depriving them of their means of annoyance to our citizens, still it is to be regretted that any act of doubtful authority should be done by an officer of this Government which might lead to a collision with the United States.

Had Genl. Rusk when pursuing the enemy in their flight after their attack upon his own encampment followed them across the line (as I had supposed was the case) he would have been justified by every sound principle of international law; but his right to march into a neutral territory to make the attack, is not so defensible even under the circumstances which he discloses as the cause of that procedure; and it can only be supported upon the principle, that from the imbecility of the neutral power it was unable to keep in check a belligerent which had taken advantage of its weakness and was using its

its territory as a means of annoyance to us; and as we are not disposed to assume this position in our discussions with the United States upon this subject; and that Government having demanded a satisfactory explanation of the conduct of Genl. Rusk; you will, while using all necessary arguments to shew the many aggravating causes which led to this act, disavow all instructions from this Government authorizing it, and disclaim all intention on the part of the authorities of Texas to do anything which would have a tendency to mar the harmony so happily existing between the two countries, and which the people of this are so desirous of cultivating and improving.

This subject will demand your immediate attention upon your arrival at Washington; and while discussing it you will assure that Government, that orders will be given to the officers commanding our forces on the frontier to respect the rights of the United States, and to conduct their military operations in such a way as to prevent collisions with their authorities; but you will at the same time urge the necessity of recalling their Indians which are now roaming about and committing depredations upon the inhabitants of this Country, and of adopting such measures as will confine them strictly within their own limits.

I have the honor to be with great respect
Your Obt. Servant
James Webb

P. S. Despatches Nos. 12 and 13 from our Legation at Washington were not recd. you will please cause copies of them to be forwarded to this Department.
J. Webb.

[illegible]
[illegible]

Department of State
Houston, March 14th 1839.

Sir,

Herewith you will receive the following documents relative to your mission, viz.
Commission as Minister to the United States of 13th March 1839.
do do do do do " " " " with powers to treat with an agent of Mexico, etc.
Two letters of credence both of same tenor as minister to the United States dated March 1839.
Three letters of instruction of 13th, 14th and 14th March 1839.
A Cypher.
Copy of an act to define the boundaries of the Republic of Texas.
Copy of a letter from Genl. Santa Anna to Genl. Jackson;
Secret agreement with Genl. Santa Anna.
Letter of recall to Hon. Anson Jones.
Report of Genl. Rusk, with accompanying documents from this Department.

To R. G. Dunlap, list of documents furnished. 13th March 14th 1839.

Respectfully
James Webb,
Secretary of State.

Hon. Richard G. Dunlap.
Minister to the
United States

Executive Department
Republic of Texas

Letter of credence of Envoy extraordinary R. G. Dunlap to Presdt of U.S. 13th March 1839.

To his Excellency
Martin Van Buren
President of the United States

Sir

I have the honor by this letter of credence which will be presented by the Hon. Richard G. Dunlap to accredit to your Excellency, that gentleman in whom I have commissioned as Minister Plenipotentiary and Envoy extraordinary of this Government near that of the United States.

The objects of the mission of that functionary, are generally to cultivate friendly relations with the United States, and there being others which do not admit of convenient specification in this letter, I have to restrict it by to refer you to such communications as he will find it his duty to make under the instructions he has received, to the proper departments of your government on the special subjects with which he is charged.

And I have also to request that full faith and credit may be given to all he shall say on the part of this Government.

Given under my hand and the great seal of the Republic at Houston this thirteenth day of March One thousand Eight hundred and thirty nine, and of the Independence of the Republic the fourth.

By the President

Mirabeau B. Lamar

James Webb.
Secretary of State.

[illegible] Texas Bonds for $5,000 [illegible] and [illegible] wards [illegible]

Of La Branche relative to crossing the Boundary line by Genl Rusk at 27th March 1839.

Department of State
Houston, March 27th 1839.

Sir,

In addition to the reply which I had the honor to give on the 14th inst to your note of the 13th calling my attention to a note dated January 29th from my predecessor in office, in answer to a letter of yours of the 15th of the same month requiring of this Government an explanation of the conduct of Genl Rusk in violating the territory of the United States and requesting a more full and satisfactory reply than was given by Col. Bee to that letter, I have the honor to state, that since the return of the President to the seat of Government, the official report of the late campaign against the Indians on the North western frontier has been submitted to him, and by his direction the Texian Minister at Washington is instructed to assure the Government of the United States that the act of Genl Rusk in crossing the boundary with a Military force, and marching to Shreveport was unauthorized by any instructions from this Government, and that orders will be given to the Officers commanding our forces on that frontier, so to conduct their military operations in future as to prevent collisions with the Authorities of the United States, and to respect the rights of the Government and people of that Country.

I avail myself of this occasion of renewing the assurances of my distinguished consideration.

James Webb

The Honorable Alcee La Branche
Chargé de Affaires of the United States
Houston

Department of State
Houston 20th May 1839

Sir.

T. J. Pinckney Henderson relative to a Draft on Hamilton & Burnley &c. &c.

Your private letters to my predecessor Col Barnard E. Bee of Febry 27th and March 10th are just received, and I hasten to reply to them more for the purpose of affording you immediate relief from your pecuniary embarrassments, than to communicate matters of political interest. General James Hamilton and A. T. Burnley Esqr. have been charged with the negotiation of a loan on the bonds of this Government for five Millions of dollars, and as they will doubtless proceed to Europe for the accomplishment of that object, I have inclosed herewith a draft upon them in your favor for ten thousand dollars, as the best means within my power of placing you in funds. Out of this draft when collected you will please pay to Mr McIntosh, your Secretary of Legation, three thousand dollars, as I presume he is also much in want of funds. General Hamilton and Mr Burnley are now in Philadelphia making such arrangements with the Bank of the United States as will no doubt greatly accelerate their operations in Europe, and I sincerely hope that by the time this reaches you, it will be in their power to afford you the relief required.

Mr Saligny (the French agent) left here a week or two since on his return to Washington, he saw little of the Country, but I understand was much pleased with what he did see, and with the information he obtained, and that his report will be a favorable one. In his private conversations, until a short time before his departure, he spoke in confident terms of the early recognition of our Independence by France, but after his recept of the information of the resignation of the Molé Ministry, I thought he seemed less confident. He certainly regretted this Ministerial change, and I infer'd from his remarks that he apprehended it would retard the recognition at least, if it did not prove otherwise unfavorable to the interests of Texas.

Admiral Baudin, the Commander of the French Naval forces in the Gulf of Mexico, has recently made us a visit. He seemed highly pleased with the country and its prospects, and avowed his determination of making both better known to his Government and his countrymen upon his return to France. That his report of our condition and circumstances and ability to maintain our rights, will be a favorable one, I have not the least doubt, and such a report, coming from a man of his high character, and one who has so recently been charged with such important duties, will doubtless exercise a favorable influence on your negotiations

It affords me great pleasure to inform you that our Country never was more prosperous than it is at this time. The Indian hostilities by which our borders have been so continually harassed for the last year or two, have been suppressed, and the entire frontier is now quiet. Emigrants of the most valuable kind are pouring in from every direction in numbers truly astonishing. Our revenues are already considerably beyond the expenditures of the Government, and from present appearances will be doubled in the course of another year. From Mexico we have nothing to fear. Her own domestic troubles are as great as she can bear in the present exhausted state of her finances, and the total prostration of her credit. Besides we have a fair prospect of an early settlement of our differences with her by an acknowledgement of our Independence. The strongest indications of the disposition of the people of Mexico to cultivate amicable relations with this Government have been repeatedly made of late, and the President conceiving it to be a favorable moment to hold out the Olive branch, has sent an Agent (Col Bee) with plenary powers to negotiate a treaty of peace. Previous to this however distinct

propositions were made to him by the Mexican Authorities in the Provinces bordering on the Rio Grande to open a trade between the two Countries, which has been done and a very advantageous Commerce is now carried on in the most peaceful and friendly manner.

Relative to apptmt of Hamilton and approval of Conduct &c.

I shall this day forward to General Hamilton a Commission authorizing him to act in concert with you during his stay in Europe in obtaining the recognition of the Independence of this Country by France and England. This is done with the two fold view of aiding him in the negotiation of the loan by showing that he possesses the entire confidence of this Government, and of rendering you such assistance as it may be in his power to afford in the accomplishment of the important objects of your Mission, but not, I assure you, from any distrust of your zeal or ability to conduct the negotiation with which you are charged, as I am instructed by the President to say to you, that he approves the course you have pursued, and is satisfied with the efforts you have made and are still making to serve the Country.

I have not yet had an opportunity of examining the case of the Eliza Russell, as every moment of my time has been closely occupied since I took charge of this Department. I will however turn my attention to it in a short time, and after giving it a proper investigation, will communicate to you the result.

I have the honor to be with
great respect, Your Obdt Servant
James Webb
Secty of State.

The Honorable
J. Pinckney Henderson
Texian Agent. Paris.

Department of State
Houston 20th May 1839

General James Hamilton
Sir

J. Hamilton apptmt to act with Henderson in Europe.

The President having appointed you an agent of the Republic of Texas, to act in concert with the Honorable J. Pinckney Henderson in sueing for and obtaining a recognition of the Independence of this Country by the Governments of Great Britain, and France, I have the honor herewith to forward you your Commission and letter of Credence as such, and to request that you will on your arrival in Europe, make known your powers to Genl. Henderson and ~~to~~ pursue such a course in respect to the objects of your Mission, as you and he may deem best calculated for their attainment, according to the instructions which have heretofore been given him on those subjects.

I have the honor to be with great
respect, Your Obdt Servant
James Webb
Secretary of State

M. B. Lamar
President of the Republic of Texas.

Commission to J. Hamilton. Commissr to act in concert with J. P. Henderson.

In the name and by the authority of the same, and by virtue of the powers vested in me by law, do by these presents Constitute and appoint General James Hamilton an additional and joint agent with General J. Pinckney Henderson, the present sole agent of the Republic of Texas near the Governments of England and of France, to aid and assist the said Genl J. Pinckney Henderson in sueing for and obtaining a recognition of the Independence of the Republ

of Texas, by the said governments of England and of France. And I hereby au=thorize and empower the said General James Hamilton to unite and act with the said Genl. J. Pinckney Henderson in making and forming any treaty or treaties with the said Governments, or either of them, for the purpose aforesaid, subject to the approval and ratification of the Senate of the Republic of Texas afore=said.

L.S. Given under my hand and the great seal of the Republic at the city of Houston this twentieth day of May in the year of our Lord one thousand eight hundred and thirty nine, and of the Independence of Texas the fourth.

By the President.

Mirabeau B. Lamar.

James Webb Secretary of State.

To His Excellency

The Minister of Foreign Affairs and President of the Royal Council of France

Excellent Sir.

J. Hamilton Letter of Credence to Court of France.

I have the honor by this letter of Credence which will be presented by General James Hamilton, to accredit to your Excellency and to the Government of His Majesty the King of the French, that Gentleman, whom I have commissioned as an additional Agent of the Republic of Texas

The object of the appointment of this Agent is, that he act in concert with Genl J. Pinckney Henderson heretofore accredited to His Majesty to obtain the recognition of the Independence of this Republic by His Majesty's Government, and it is hoped, that these two gentlemen will be able to present such reasons to your Excellency, in addition to those which have heretofore been offered, as will prove satisfactory to his Majesty in reference to this subject. To enable them to do this, I have the honor to request that full faith and credit may be given to all they shall say on the part of this Govern=ment.

Given under my hand and the great seal of the Republic at the City of Houston this twentieth day of May in the year of our Lord one thousand eight hundred and thirty nine, and of the Independence of Texas the fourth.

L.S. By the President

Mirabeau B. Lamar

James Webb. Secretary of State.

To the Right Honourable, Lord Viscount Palmerston.

J. Hamilton letter of Credence to England.

Her Majesty's principal Secretary of State for Foreign Affairs.

My Lord

I have the honor by this letter of credence which will be presented by General James Hamilton to accredit to Her Majesty's Govern=ment that Gentleman, whom I have commissioned as an additional agent of the Republic of Texas.

The object of the appointment of this agent is, that he act in concert with General J. Pinckney Henderson, heretofore accredited to your Lordship and to the Department of the Government of Great Britain over which you preside, to obtain the recognition of the Independence of this Republic by Her Majesty's Government; and it is hoped that these two Gentlemen will be able to present such reasons to your lordship, in addi=tion to those which have heretofore been offered, as will prove satisfactory, in

reference to this subject. To enable them to do this I have the honor to request that full faith and credit may be given to all they shall say on the part of this Government.

Given under my hand and the great seal of the Republic at the City of Houston this 20th day of May A.D. one thousand eight hundred and thirty nine, and of the Independence of Texas the fourth.

By the President.

Mirabeau B. Lamar

James Webb Secretary of State.

Department of State
Houston 27th May 1839.

Sir

Relating to applmt of Comr Surveyr & Clerk.

I have the honor to acknowledge the recept of your communication of the 13th Instant announcing the appointment by the Government of the United States, of a Commissioner, Surveyor, and Clerk, pursuant to the Convention entered into between the United States of America and the Republic of Texas for marking the boundary between the two Countries, and to inform you, that on the part of this Government, ~~James~~ Branch T. ~~Jones~~ Archer has been appointed Commissioner, C. R. Johns Surveyor and Hamilton Bee Clerk, to carry into effect the objects contemplated by said convention.

I have also the honor to inform you that these Officers will be directed to meet in New Orleans on the first Monday in ~~September~~ August next, agreeably to one of the provisions of said Convention, at which time it is hoped that the officers appointed by the United States Government will be prepared to join them for the purpose of entering upon the discharge of their respective duties

I have the honor to be, with sentiments of the highest esteem and respect Your Obt. Servt.

James Webb

Honl. Alcée LaBranche
Chargé d' Affaires of the
United States.
Houston.

Department of State
Houston 30th May 1839.

Hon. Richard G. Dunlap

Sir

Relating to Capture of M. Flores and papers found on him, addsd. to Indian Chfs &c. &c.

I am requested by the President to transmit to you the accompanying documents, marked as in the subjoined schedule, which were recently captured from a party of Mexicans as you will find detailed in the copy of the report of Colonel Burleson to the Secretary of War, herewith transmitted and marked B 2.

This government has long been in possession of testimony sufficient to justify them in adopting the most summary and imperative measures towards the Cherokees and other bands of Northern Indians resident in Texas. Their unauthorized migration and protracted stay in our country has always been a source of disquietude and anxiety to the Civilized population, and their removal has been long desired. But the President actuated by feelings of humanity towards a people who have been too much accustomed to profit by, and abuse

indulgencies, has been unwilling to resort to force to procure their expulsion while a hope could be entertained that their withdrawal might be effected by peaceable means. That hope has been founded on the applications heretofore made to the Government of the United States relative to this interesting subject. Those applications appear to have been ineffectual thus far, while the humane forbearance on the part of this Government towards these intruding Indians, has been productive of many disasters to our frontier settlements, and if longer continued might result in irreparable injury to Texas. The most enduring patience may be exhausted, and must yield to the duty of self preservation, when its exercise evidently gives encouragement and aggravation to the hostile spirit of the offenders. Such is our present condition relative to these immigrant savages: and the President has resolved to put an end to the repeated aggressions of the Cherokees, by compelling their departure from our territory. You are at liberty to make known this fact to the Government at Washington, and to request that such measures may be seasonably adopted by that Government, as will fulfil the provisions of the 33rd article of the treaty entered into between the United States and Mexico on the 5th April 1831, and will effectually prevent the return of those savages to our territory.

Our right to eject these Indians, can scarcely enter into your correspondence with the Government of the United States, but should it be incidentally alluded to, you will find it clearly suggested in the letter of Mr Forsyth to Mr Castello Chargé de Affaires from Mexico which is transcribed in Despatch No 42 from your predecessor to this department. You will not however solicit an elaborate discussion on this subject, or any other connected with the respective obligations of the United States and of Texas, resulting from the treaty of 1831 between the United States and Mexico, for a protracted discussion is seldom desirable and may be productive of inconveniences, if not of ill feeling between the parties, which we would very sedulously avoid. The President conceives that the Government of the United States, has frankly and justly acknowledged the right of Texas to the benefits of that treaty, especially in reference to the 33rd Article, which has a direct territorial relation to this Republic as now organized; and he cannot immagine that any objection will be raised or difficulty occur on that ground. You will therefore confine your communications, unless constrained to take a wider range, to the fact of the intended expulsion of the Cherokees and such other of the immigrant bands as may prove to have been or may hereafter be implicated in the late atrocious attempt on the part of the Mexican Authorities to employ the Indians of the United States in desolating our frontiers. These machinations have been known to us for some time, but are now so fully developed in relation to the Cherokees, that longer forbearance towards them, is utterly inconsistent with the first duties of this Government.

If in the progress of your correspondence, it shall be assumed as has been suggested by the Chargé de affaires here, that the Government of the United States is not bound to receive or to restrain those Indians and the ill advised treaty partially made with them on the 23d February 1836 by Commissioners appointed by the late Provisional Government of Texas, be alledged in support of this position, you can present a conclusive refutation of that assumption in the fact that that pretended treaty has never been ratified by any competent authority on the part of Texas. On the contrary, when it was first submitted to the Senate

of the Republic which was the only power authorized to confirm it, it was rejected by a decisive vote of that body: and no subsequent action of the Govmt. has been had upon it. Indeed should this matter be pressed upon you in such terms as to indicate a determination on the part of the Government at Washington to avail itself of that treaty, as absolving it from all obligations touching those Indians, which can hardly be possible, you can further disclaim the validity of the treaty on the ground that the Provisional Govt. itself under whose authority the treaty purports to have been made was acting without the sphere of any legitimate power, and could not in a matter so extraneous to the avowed purposes of its creation as the alienation of a large and valuable portion of Territory impose any moral or political obligations upon the independent and seperate Government of Texas. You will recollect that that Provisional Government passed its brief existence anterior to the Declaration of Independence, and was organized under the Mexican Federal Constitution of 1824, — that, altho its organization was in direct violation of that Constitution, and may be considered as partially revolutionary, its assumptions of powers were no more obligatory on the independent government of Texas, than they would have been on the Federal Government of Mexico had that government been restored and Texas returned to her previous attitude. By the very Constitution of that Government, Texas, as such was incompetent to make treaties. She was but a department of the confederate State of Coahuila and Texas, and in her conjunct state capacity, was also precluded from entering into treaties with foreign powers. I suggest this as an ultimate plan of argument to be pursued — but not to be resorted to except in case of strict necessity.

You are aware that the lines designated in the treaty were run or pretended to be run by Col Alexr Horton, some time in the fall of last year at the instances of General Houston, who was then exercising the executive functions of this Government. This fact too may be adduced against you; but you will find no great difficulty in divesting it of any serious consideration by suggesting that the act of Col Horton was without authority, the President having no right to carry a treaty into effect anterior to, or independent of the action of the Senate on such treaty. In this instance the assumed right was exercised in direct contradiction to the advice of the Senate, and every act so done was an absolute nullity, and could impose no legal or moral obligation on this Government.

Should the Govmt. of the United States decline to render you any satisfactory assurances concerning the future return to our territory of the Cherokees now about to be ejected from it; this government will be compelled to resort to its own energies; and a protracted war may ensue between Texas and the Northern Indians within her borders. We should greatly deprecate such an event; for it cannot escape an ordinary discernment that it would be more than likely to enlist a portion of the original tribes from whom these intruding bands have emanated, and who have been recently removed to the West of the Mississippi by the Government of the United States. It is also more than probable that such a contest would involve the Govmt. of the United States in an Indian war of greater magnitude than any they have heretofore sustained. It is not intended to impute any error to that government in the congregating of so many tribes of savages on their remote western frontier, for they did so in the exercise of an indubitable right. But while we freely acknowledge the abstract right, we cannot but perceive and deeply regret that its practical operation has been already eminently injurious to Texas and may possibly inflict still more serious evils upon her.

migration of the several bands of those very tribes, to our territory was a direct and natural consequence of their removal from their ancient habitations and their location in our vicinity, by that Government. We entertain too profound a confidence in the magnanimity of the Government of our Father land to believe for a moment that they will omit to give to this fact, all the consideration that an enlightened sense of propriety could suggest; or that they will fail to find in it additional reasons for a punctual observance of the stipulations in the treaty of 5th April 1831, heretofore referred to. No Government professing to act on the beneficent principles of Christianity will permit itself to prosecute a course of domestic policy, the evident tendency of which is destructive of the peace and happiness of a neighbouring Nation. It will either abandon the policy, or, should its continuance be of paramount importance to its own well being; it will so modify and restrain its pernicious results that the neighbor people may suffer no serious detriment from it.

In previous instructions from this Department; you will find the Coshattees and Boluxies mentioned in connexion with the Cherokees, and other Northern tribes. These bands have been too long resident in Texas, (I believe they migrated from the Creeks during the American revolution) to be included in the list of intruders from the United States. You will not, therefore, press these upon the attention of that Government in your future Correspondence.— The Cherokees, Kickapoos, Delawares, Pottawatamies, Choctaws, Shawnees and Caddoes, are the bands that have recently entered our territory and of whom we complain. The Cherokees, Kickapoos and Caddoes are the most numerous and the most obnoxious of these, and it is their recall by the United States which we most ardently desire, and to which we are clearly entitled.

You will also request the attention of the government to which you are accredited to the navigation of the river Sabine. This Government would not now discuss the subject at length, or insist on an equal right with the United States to the navigation of that border stream: but would prefer laying that matter over until a final treaty of Commerce may be in negotiation. But for the purpose of avoiding any difficulty between the citizens of the two governments, it is very desirable that some definite understanding be had on certain points connected with the navigation of that River. Should Texas be precluded from searching vessels within the waters of the Sabine or of the Bay and Pass or outlet of the same, many and serious inconveniences will result to her. Her revenue laws may be easily evaded and her revenues greatly prejudiced by Smugglers. It is also to be apprehended, that the law prohibiting the introduction of Slaves from any foreign Country, except the United States, will be exposed to frequent violation in that quarter. You will therefore propose to the Government at Washington, the propriety of their issuing orders to their Military and Naval Commandants to permit the Texian Authorities to board and examine all vessels that may enter the Pass of the Sabine, and to seize and convey them to a Texian Port for adjudication should they be found violating the laws of this Country.

Navigating the River Sabine.

The President is quite indisposed but I trust will be about again in a few days

Very respectfully, I have the honor
to be your Obedient Servant,
David G. Burnet,
Acting Secty of State.

Schedule referred to in foregoing and accompanying Same. (as follows)

No 1 Canalizo's instructions to Flores Feby 27th 1839. No 2 same to Cordova 1st Mar/39
No 3 same to same Feby 27th 1838. (should be 1839) No 4 same to Flores 23d March 1839. No 5
same, Commission to Juan de la Garza 19 Apl 1839. No 6. same, Circular to Indian Chiefs,
the originals of which in Spanish and marked thus, A. B. C. D. E. F. G. H. Feby 27th 1839.
No 7 same passport to Flores & Don Juan Baptista Soto = March 9. 1839. No 8. Filisola's
passport to Manuel Flores, Feby 2d 1839. No 9 Cordova to Flores = July 19th 1838.
A 2. Divers letters relating to the visit of the Cherokees to Matamoras. Refer to War Deptmt.
B 2 Report of Col Burleson.

Instructions to the Captains and Chiefs of the friendly Nations and to which they ought to conform, the plan of the Campaign for the security of their Country and homes.

No 1. of foregoing Schedule. Translated by S. P. Andrews. Canalizo instructions to Flores.

The Mexican troops, occupied at present with the attention demanded by the war with France cannot at this time render assistance to the friendly nations to place them in peaceful possession of their territory and expel the rebel Colonists, who pretend to usurp them; but if this war should cease, and the Mexicans be in a condition to resume their operations, if in the mean time they are left in peace and have an opportunity to strengthen their establishments, and increase their population and resources, they may gather such force that it will be afterwards difficult to expel them.

Wherefore it is in the power of the said friendly nations, and at the same time to their interest to prevent the enemy from taking advantage of the fortunate circumstances, and to effect this they must not trust to flying invasions which produce only momentary effects, but to operations having more permanent results, and attended with less danger on our part, causing if not great and daily injury, at least perpetual alarm and inquietude to the enemy, depriving them of the most important of their means of prosperity, which is their Commerce, the spoils of which will enrich our Warriors.

The first thing to be attended to and that which is chiefly recommended to the Captains is never to pass, under any pretext, nor even to advance too nearly to the frontier of the United States of the North, but on the contrary to pursue and chastise any one who shall do so.

Families can remain where they are or in such places as they shall find most adapted to their support, and security; but the Warriors should occupy the line of San Antonio de Bexar about the Guadalupe, and from the heads of the San Marcos to their mouths. This position is the most favorable for the friendly Nations, (as well as for the inhabitants of Texas, who faithful to their government have joined them) in order that they shall have the enemy in front only, keeping a friendly and generous Nation as Mexico is, in the rear, a nation which has too much territory ever to envy that occupied with its consent, by its friends, and not possessed of the wretched hankering of those rebel adventurers, who are anxious to usurp their lands, upon which they were born, trampling the soil which encloses the remains of their ancestors, and levelling with the greedy axe, the trees upon which the cradles of their infancy was suspended. This position has besides the advantage of cutting off the enemie's commerce with the interior of Mexico, and will furnish abundant spoil, as well of foreign goods as of the horses which are carried from this frontier, into Texas, to be sold, and will be nearer to the provisions and arms, which are situated at a point which will soon be covered by the movements of the Mexican Troops, when disembarrassed by the war with France, they shall be able to undertake it.

To obtain all the objects proposed, it is necessary not to cease

to harass the enemy for a single day to burn their habitations, to lay waste their fields, and to prevent them from assembling in great numbers, by rapid and well concerted movements, so as to draw their attention in every direction, and not to offer to them any determinate object at which to strike; but in case they should succeed in uniting in a considerable number, let care be taken always to keep in sight small parties, who shall hang upon and harass them day and night, endeavoring at every cost to cut off their supply of horses, and not forgetting that the movement by which the enemy shall concentrate their forces at one point is to be taken advantage of, to operate with the greatest vigor, at other distant points, understanding always, that when the bulk of the enemy returns to protect the point attacked, and when the advantage of the incursion shall have been secured, the friendly troops may disperse to strike another blow, continually wearying the enemy by calling their attention in every direction.

Every Mexican who shall be found going to or coming from Texas, shall be taken and sent securely to Matamoras, and the goods which he may be carrying shall be confiscated and divided among the soldiers who apprehended him.

Humanity and good treatment are recommended towards defenceless persons of all sexes and ages.

The packages which are delivered to the Commissioner Don Manuel Flores, he will endeavor with the most active dilligence to have them placed, in the hands of those to whom they are addressed, and he is especially charged, when he forwards that directed to Captain Cordova, that he shall designate a convenient point for an interview in which they shall agree upon their operations, and if it shall be the opinion of both that it is not best for the said Captain to operate upon the line specified they can act accordingly.

One of the first things to be observed and which is especially charged upon the troops who are to act upon the line of Texas, is to avoid causing any injury to the Mexican population, or compromiting their security in any manner, making use of the greatest reserve and precaution to maintain a good understanding with them.

They are also recommended to pursue the Lipans, Toncahues and any others who like them, commit depredations upon this frontier.

All correspondence upon this business will be carried on with Don Manuel Flores, principal Commissioner in it, and he is stongly urged to endeavor to give us frequent advice of all his operations

Head Quarters, Matamoras, Febry 27. 1839

To Don Manuel Flores Valentine Canalizo

His Excellency General Vicente Filisola, my predecessor in the Command of this Army, has received the communications, and other documents which you sent to him by despatches of

No 2 of the 29th August and the 16th of Septr of the past year, respecting which, he
Schedule informed the supreme Government of Mexico, which has taken notice of
translated by the same, and approves your conduct, instructing me to desire you, as
S.P. Andrews. I now have the honor of doing, not only to foster the favorable feelings which
Canalizo to the faithful Mexicans have always entertained, but to induce the friendly
Cordova tribes of Indians to aid in fulfilling the instructions which are sent to them seperately by this same conveyance.

This occasion affords me an opportunity of expressing to you my attentive consideration and high esteem.

God and Liberty. Head Quarters at Matamoras.

March 1st 1839
Valentine Canalizo.

To Vicente Cordova, Commander of the Mexican Forces in Texas.

No 3. of Schedule Translated by S. B. Andrews. Canalizo to Cordova.

Division of the North, General in Chief.

Don Manuel Flores who has been at this Post is charged with the instructions of which I send you a copy, not doubting of his efficient co-operation in an affair of so much importance to our Country.

It is true that the operations which you are to prosecute would be attended with more important results, if they could be supported by the movements of this Army, but it cannot be unknown, either to yourself, or to any of the worthy Mexicans who are with you, that the attention of the Republic being at the present occupied by the war with France, it is impossible to make any movement, with these forces, which cover such important points, which if they were abandoned, would open a door to the ambition of our enemies.

By this reason it is impossible for this army to undertake any thing against those ungrateful Rebels; but we ought not for that reason to suffer them to take advantage of these circumstances to augment their population, strength and resources, by remaining in peace, and that which is worse to systematize their Commercial operations, which they will not fail to do unless they are prevented.

Upon the plan which is now devised, you will observe that there is no danger, as you will be supported by the forces of this Army, which occupies a convenient and advantageous position to furnish immediate relief to the line of operations which is designated, and beside, you will observe that you are left free to combine with the said Flores, in operating upon the said line, or to act upon any other point, as you may judge proper.

Be persuaded, and persuade those of your compatriots, who have been victims of those perfidious and ungrateful Colonists, that our Government will not omit any means to recover their fortunes, but that an assemblage of unfortunate circumstances for the Republic, has hindered it from performing what it has intended, and that it will not give up the intention of recovering that important part of the national territory and do not doubt that it will succeed, the moment that the war, shall cease with France; in the prosecution of which, the army has been considerably enlarged, and in that case, it will have no other destination, but it is necessary, that the success of the expedition be sudden and complete, and that these usurping adventurers shall not prosper by peace, and commerce, and enjoy a repose, which will secure to them an advancement truly calamitous for you.

Endeavor actively to concert an interview, with the said Don Manuel Flores, and having agreed upon your operations, not to lose a moment in executing them, resting assured that our government will not abandon you or suffer to go unrewarded your useful services

God and Liberty. Head Quarters Matamoras 27th Feby 1838 (should be 1839)

To Captain Don Vicente Cordova
Commander of the Mexican Forces in Texas.

Valentine Canalizo

Army of the North, General in Chief.

To day our countryman Don Miguel Salinas leaves this place with a party of men to receive the M

which you took from the Comanchee Indians, according as you inform me in your despatch of this date; and I hope that when you deliver them you will send by the said Salinas for my information a statement of the number of Mules, Horses &c.

No 4 of Schedule Translated by S. P. Andrews. Canalizo, to M. Flores.

You will say to Captain Casimiro that he shall warn those of his Nation who continue hostile, to retire and cease from their robberies and murders, since it is contrary to that which he has promised and stipulated. God & Liberty Matamoras 23d March 1839

If Don Miguel Salinas does not deliver this to you, his son Don Antonio will do so, towards whom you will act according to these instructions.

Valentino Canalizo.

To Manuel Flores

Matamoras 19th April 1839.

To Ensign Juan de la Garza of the Volunteers.

No 5 of Schedule = Translated by N. Amory Commission to Ensign de la Garza.

Your efficiency and my confidence thereupon induce me to entrust you with a commission, the most serious and important of the service which is within the limits of my command.

And with this view you will join Manuel Flores and his volunteers and march with him according to the instructions which said Flores has received, and which he will communicate to you the particulars, taking care to keep us advised, as often as possible of your progress in the great work confided to you.

Although Manuel Flores has charge of the expedition, in his absence you will take charge of all duties devolving upon him in Military matters, not failing to co-operate with and conciliate the friendly Tribes and even those not friendly but who are willing to unite with you in the present enterprize.

The creditable interest which you take in the honor of the nation and Government promises the best results in the business now entrusted.

Valentino Canalizo

No 6. of Schedule Translated by S. P. Andrews Circular to Chiefs of the Several Tribes Indians.

Don Manuel Flores, and the Captains of the friendly nations who have accompanied him, will inform you of the sentiments which animate me towards you, and my friends the individuals of your tribes, as well as what you might expect in favor of the pacific establishment of yourselves, on the land which you have chosen within the territory of Mexico, and these same individuals are instructed as to the measures which ought to be taken.

Agree with the said Flores, so as to operate in such a manner as will ensure the quiet possession of your lands, and prevent any adventurer from again disturbing the peaceful repose of your families, or from trampling under foot the soil in which are deposited the remains of your ancestors; and endeavor not to deviate from the instructions which have been given to him.

Proceed, relying on our generosity of which we have given so many proofs, knowing that nothing can be expected from those adventurers greedy of land, who would deprive you of the very sun which animates and vivifies you, and who will not cease to do you injury, so long as the grass grows, and water continues to flow.

I shall wait advices from you, in order to know how I may serve you best. Communicate all to Don Manuel Flores, that he may inform me of the same.

God and Liberty. Head Quarters Matamoras 27th Feby 1839.
Signed (Valentine Canalizo)

To Senor. Antonio Beloxci.
Captain Ignacio of the Guapanaque.
Captain Coloxe of the Caddoes.
The Chief of the Seminoles.
Son Qixg Mas Gefe de los Charaqiies. (intended for Big Mush of the Cherokees)
Captain Benito of the Kickapoos.
To the Fama Sargento de los Brazos.
Lieut. Coronel Bul of the Cherokees. (Meaning Bowles)

"Valentin Canalizo, Brigadier General of the Mexican Army, and Chief of the Northern Division.

No 7. of Schedule translated by S.P. Andrews Passport to Flores and others.

Let there be given a passport to Don Manuel Flores and Juan Bantista Soto, in order that they may pass unobstructed into Texas to execute important Commissions, accompanied by thirteen Mexicans, and eleven Indians.

The Civil and Military authorities will do nothing to impede their progress, but on the contrary will furnish them free of charge with the necessary aid.

Given at Head Quarters in Matamoras March 9th 1839

Valid for the necessary time — Valentin Canalizo."

Army of the North. General in Chief.

No 8 in Schedule = Translated by S.P. Andrews

Manuel Flores a commissioner with the friendly Indians, can carry the arms necessary for his defence; as well as all the Indians of the friendly tribes now in this City.

Head Quarters Matamoras, Feby 2d 1839
Vicente Filisola "

To Manuel Flores. July 19th 1838.

No 9 of Schedule translated by S.P. Andrews Cordova to Flores.

Sir. I hold a commission from General Vicente Filisola to raise the Indians as auxiliaries to the National Army, and I have already entered upon my duties by inviting a meeting of the neighboring tribes, and being informed that you are appointed for the same purpose, I would be glad to know what preliminary arrangements you have made towards the accomplishment of the objects contemplated; and I hope you will make every effort to approach with such force as you may have at command as far as you may judge proper, and that you will make all efforts to hold with me a verbal communication in order that we may have in our respective stations an understanding, and that you will bring the pipe which I understand you are in possession, in order that the Indian Chiefs may smoke it, of the Cherokee and other tribes, who have promised me to unite as soon as possible for action, and who have also agreed that in case our plans should be discovered in the mean time, they then will commence operations with the force we may have at command, and it is highly desirable that you should approach to give us in such case a helping hand.

We have heard here that the troops have commenced operations in La Bahia, but do not know whether it is true. I desire we should treat with each other in full confidence which is necessary to the success of our Commission

I will say no more at present, than that you may act in full confidence of your friend
That S.M.B. Vicente Cordova

To the Honl. A. Sidney Johnson
Secretary of War

City of Austin May 22d 1839.

Dear Sir,

B Q. Schedule Col Burleson report to Secty of War, relative to capture of Manuel Flores &c.

With much pleasure and satisfaction I transmit to you, many I consider important documents, that were in a few days since taken from a party of Mexicans and Indians, that you will find from the papers were making their way to the Northern Indians, on the 14th Inst. This party came upon some men at their camp between San Antonio and the town of Seguin on the Guadalupe being four in number, killing a Mr Ballinev and three Mexicans that were with him. The balance of the company were near, hearing the firing they immediately proceeded to camp, finding it abandoned, they took the trail, followed about two miles found their companions savagely murdered. They immediately proceeded to Bexar. Mr Vanness and Col L. B. Franks despatched an express to me, which reached me on the 17th Inst. I raised the war whoop, and early next Morning left this place, with about two hundred men, but fortunately Captain M. Andrews was out with his rangers who fell upon the enemy's trail, about ten miles west of this place in the mountains crossing the river in the time. Capt Andrews being very heavy his horse failed, his Lieutenant I. O. Rice and 17 of his men rushed on overtook the party, on the St Gabriels, about 25 miles from this place, which party consisted of about twenty to thirty Indians and Mexicans. Lieutenant Rice immediately attacked them, killed their leader Manuel Flores and two others, put the rest to flight, taking about three hundred pounds of powder, and about the same of lead run into balls and shot, and some bar lead, they also took one hundred and fourteen head of Mules and Horses, and all their packing aparatus; those that escaped took off nothing but themselves and the animals they rode. They proceeded towards the Brassos to cross near the falls. I am in hopes you will be satisfied that nothing shall be lacking on my part to give peace to the whole frontier as early as I can be furnished with the means to do so. I am anxious for the saddles for Capts Lewis and Ownsby's companies, they both deserve the highest credit for their promptness with which they acted, in the matter, though they did not participate, it was not their fault. This Lieutenant Rice and his 17 gallant men deserve the highest esteem, I am sorry I am not furnished with each individuals name. I have transmitted to you all the papers, I consider important but one, which has got mislaid, it was a letter from Cordova to Manuel Flores, stating he could not accompany him on his way to the east; from a wound, which I presume he received on his way to Matamoras, he is behind, I shall keep out a good watch for him, his letter was dated 20th April at Matamoras, I think I shall pick him up if he attempts to cross below or within 30 miles of the foot of the Mountains, I am very anxious to get out among them. I have had no report from the Company that went up the Brassos as yet.

Please give my respects to the President, Col McLeod and accept the highest esteem for yourself

Edwd Burleson, Col. Comdg 1st Regt Infty

P. S. This Skirmish took place on the San Gabriels fork of Little River about 15 miles from the City of Austin.

Edward Burleson

Honorable Richd G. Dunlap.

Department of State
Houston 3d June 1839.

Sir,

I am instructed to inform you that the President has appointed Branch T. Archer Commissioner, to Re-

John Surveyor, and Hamilton Bee Clerk to carry into effect the convention for running the line between the United States and this Republic.

These officers will be directed to repair to New Orleans in time to meet those appointed on the part of the United States on the first Monday in August next.

To C. G. Mem. Capt. respecting appt. of Comm. Survey & Clerk.

I have the hono to be Your Obedient Servant
David G. Burnet Actg Secty of State

[illegible]

Department of State
Houston 16th June 1839.

To the Honorable
J. Pinckney Henderson

Sir,

Your informal despatch of 28 April has been received.

The President is absent, his health has been seriously impaired and he is seeking its renovation at Galveston Island. I cannot therefore transmit you the blanks you request, or say any thing definitive in relation to your return. But I have no doubt your wishes will be gratified as soon as the President can give his attention to the subject, for his reluctance to part with your valuable services will yield to the importance of the personal considerations which you suggest as the reasons for your return.

To J. P. Henderson, relative to Schr. Eliza Russell &c.

I enclose you a copy of a letter which I addressed a few days ago to the British Consul at New Orleans, in answer to a letter received from him relative to the claims of Captain Joseph Russell for indemnity arising from the detention of the Schooner Eliza Russell &c.

You will perceive that the account as now presented (a copy of which is enclosed) more than doubles the amount first demanded, and I trust you will find in your intercourse with the government of Great Britain on the subject that they will not give their high sanction to so unreasonable a claim. The abstract right of a belligerent vessel to detain the vessel of a neutral power laden with enemy goods, will not be controverted by British Authority, neither will it be alleged that Texas, being in a revolutionary state and not recognized by Great Britain, is therefore not entitled to the full benefit of the international law.

I send you these papers under a presumption that the subject may again require your attention.

We have a prospect of a contest with the Cherokee Indians and probably with the Shawnees and Delawares. The three tribes can muster about 350 warriors. Our troops are moving towards their towns. The conflict I trust will be short and decisive, and their expulsion from our territory certain.

Indians.

The late visit of Admiral Baudin we consider a propitious event. He seemed to have imbibed the most favorable impressions towards us, and I trust his report to his Government will avail you something. The gallant Admiral has left the liveliest recollections on the minds of all who had the pleasure of seeing him here.

Admiral Baudin.

Ardently wishing that you may speedily realize the main objects of your Mission, I have the honor to be your Obedient Servant
David G. Burnet
Actg Secty of State

Department of State Houston 14th June 1839

To John Crawford Esqr. British Consul New Orleans.

Sir, I have the honor to acknowledge your letter of 17 April directed to this Department, and also the

accompanying it and relating to the claims of Captain Joseph Russell founded on the seizure and detention of the Schooner Eliza Russell by the Texian Armed Schooner Invincible.

Letter to Jno. Crawford, British Consul New Orleans relative to Eliza Russell forwarded to J. P. Henderson

This Government is desirous of fulfilling all the obligations that may rightfully belong to it, and we recognize the claim of Captain Russell as of this description because it has been officially acknowledged as such by the late Executive authority of this Republic. But in making this declaration, I cannot forbear to remark that the late President in acknowledging the justness of Capt. Russell's claim for indemnity was actuated more by a reluctance to see this Young Nation involved in a controversy with the ancient and venerable Government of Great Britain, than by the known and admitted principles of international law. A similar disposition still prevails, and this Government will carry it out by rendering the indemnity first required, and on the presentation of which, the acknowledgement of its justness was based, so soon as Congress shall make the necessary appropriation.

I remark in the statement you transmit, several additional items in the account of Capt Russell which swell its amount much beyond his first demand, which was £865..4..–. Had these items been added in the first instance, it is probable this Government would have been more cautious in its admissions, for it never could have entertained a doubt that the British Government would concede to all other nations the same rules of international law, that it has so strenuously claimed, time immemorial in justification of its own transactions.

It is a fact deduced from the confession of Capt Russell himself, that there were Mexican goods on board the Eliza Russell at the time of her detention. These goods comprising the larger portion of his Cargo, Capt Russell refused to surrender to the Texian Commander, and the latter was compelled either to relinquish a lawful prize of war, or to convey a Neutral vessel charged with the enemys goods to a Port of his own Country for legal investigation. The latter course was adopted. But the President feeling as we all feel a warm solicitude to cultivate the most amicable relations with the Govmt of Great Britain and its subjects, promptly and without an enquiry into legal rights disclaimed the acts of the Texian Commander and ordered the immediate discharge of the vessel and restitution to be made of the stores &c. that had been used during her detention, all of which was carried into effect and a promise given of further indemnity in the nature of demurrage.

Captain Russell's first account rendered was for £865..4..– and that account under the influence of the same spirit of conciliation was acknowledged to be just and its payment promised as soon as the necessary action of Congress could be had upon it. The omission on the part of Congress to ratify that promise has probably resulted from the intervening change in the administration, and the want of an agent here on the part of Capt Russell, to revive the subject. Our Congress will convene again on the second monday in November, and this interesting subject will then be fully presented to them. It is desirable that Captain Russell shall have a duly authenticated agent here to act for him in the adjustment of this matter provided he can do so without too much inconvenience.

I have the honor to be with great respect Your Obt Servt.
David G. Burnet Acty Secty of State,

Copy Claim put into Government No 9.

Claim by Captain Russell on the Texian Government and all whom it may concern for damages &c sustained by reason and in consequence of the illegal capture and detention of the British Vessel Eliza Russell.

in the Gulf of Mexico, in the latter part of the year 1837 up to Septr 1838.

Copy of accts for damages &c on Eliza Russell forwarded to J. P. Henderson

The amount of former claim No8 demurrage, Repairs &c recognized by the Government of Texas	£865-4-"-"
Extra Insurance paid on Vessel at 6 pr cts	£96.
Freights &c.	42. 138-"-"-"
Expences, Law and Agents charges at Havana, New Orleans, London and Scotland, Consuls fees and disbursements, attending the enforcing the claim on the Government &c. say	50-"-"-"
1838 Septr present claim, besides Interest; 5 pr ct & Damages &c.	£1053-4-"-"

(Signed) Joseph Russell.

Contingent

Amount of damages and loss claimed by Messrs Willis against Capt Russell under the Charter which he is disputing and in which he will have to claim indemnity from Texas	£450-"-"-"
Estimate of costs therein, in all say	350-"-"-"
Contingent.	£800-"-"-"

Department of State
Houston June 27th 1839.

Honl
Alcée LaBranche.

D. G. Burnet to A. La Branche relative to claim of Campbell & Dean.

Sir, I have the honor to acknowledge the receipt of your note of 18th inst. respecting a claim of Messrs Campbell and Dean of the State of Arkansas, for a quantity of bacon alledged to have been pressed from them in the month of November 1838 by order of Brigadier General John H. Dyer of the Texas Militia.

I avail myself of an early opportunity to express to you the regret of this Government that any citizen of the United States should have suffered inconvenience from an act of one of its officers. The President directs me to assure you that measures will be taken to prevent the recurrence of a similar event.

It would be impossible for this Government to ascertain satisfactorily the justness of the claim of Messrs Campbell and Dean which appears on the face of the papers to be somewhat extravagant, without communicating with General Dyer on the subject. The General's residence is in a remote part of the Republic where our intercourse is unfrequent and subject to many delays. It will therefore probably require two or three months to procure the necessary intelligence. But so soon as it shall be received, it will afford me pleasure to make an equitable adjustment of the claim.

With great Consideration, I have the honor to be
Your Obdnt Servant
David G. Burnet, actg Secty of State.

Department of State: Houston 25th April '39

The Abbé Anduze

To The Abbé Anduze concerning his proposals.

Sir, His Excellency the President has had under consideration the enquiries propounded by you, in your favor of the 18th inst. and after mature deliberation, is of the opinion that no specific answer can be given to them at this time. The reasons which have induced his Excellency to come to this conclusion, you will find detailed in the enclosed communication to Admiral Baudin, which you will be so kind as to hand to him on his arrival in this country.

His Excellency the President directs me to express to you the satisfaction which your visit has afforded him, and to assure you of the great desire he entertains to form such amicable relations with France as he believes might be made mutually advantageous.

Wishing you individually much happiness, I have the honor to be with great respect, Your most Obedient Servant

James Webb

Department of State
Houston 25th Apl 1839.

To Admiral Baudin, concerning the proposal of the Abbé Anduze.

Sir,

His Excellency the President has received with feelings of the liveliest interest the communication you did him the honor to forward by the Abbé Anduze, who has most satisfactorily explained the object of his visit, and he directs me to say that he fully appreciates the great advantages which would result to this Country, in any contest, by an alliance with the gallant people of France.

He also directs me to say that the communication which was made to you by the French Consul in New Orleans was not authorized by him but the spirit which dictated that communication accorded with the feelings of this Government at the time. Events however, have since transpired, which have materially changed the situation of affairs. France acting on principles of enlightened generosity has given peace to Mexico, and Texas animated by a sincere desire of adjusting her differences, has been induced to send a messenger with the offer of peace to that Nation. It will soon be seen whether the generosity of France and the overtures of Texas, will be alike disregarded.

When Mexico shall violate her engagements with France, and refuse peace to Texas, the active and zealous Cooperation of this Republic will be given to chastise her. Judging of the future by the past, His Excellency the President is not sanguine in his expectations, that the desire for an amicable adjustment of differences felt by this Government, will be met by a corresponding spirit on the part of Mexico, and in that event, altho much to be deplored, Texas will carry the war home to Mexico, and at the point of the sword force her to the just observances of our rights.

In the existing state of affairs His Excellency the President cannot give a specific answer to the interrogatories propounded by the Abbe Anduze. When France and Texas shall both find it necessary to make war upon Mexico, this Government will enter upon it with a firm determination to prosecute it with the utmost vigor- to give no rest to Mexico until she shall be willing to sue for it by proposing an honorable and advantageous peace. Texas will then be proud to unite with France, and will bring into the field at the shortest notice, twenty thousand soldiers and more if required; but France would be expected to advance the money necessary to a successful prosecution of the war, and for the pecuniary responsibilities incurred by Texas she will give such guaranties as will be satisfactory to France.

His Excellency the President directs me to welcome you to Texas, and to ask a personal interview with you at Houston, where he will unreservedly communicate the opinions he entertains respecting the situation of the affairs of this Country with Mexico. At the same time he will have much pleasure in making known to you the great desire which is felt by the people of this Republic, to form lasting relations of friendship with France.

I have the honor to be with great consideration Your most obdt Servt

James Webb. Secty of State of the Republic of Texas.

To Admiral Baudin
Commander of the French naval forces in the

[illegible] relative to [illegible]
[illegible] page 1, 4 [illegible]

Hon[l]e.
Barnard E. Bee
Agent of the Republic of Texas, to Mexico, in New Orleans.

Houston 11th July 1839

My Dear Sir,

To Col. Bee relative to his remaining in New Orleans to conduct the negotiation with Mexico &c.

I received late last night your several letters by Mr Hammekin, and as the last boat for the Columbia will leave this morning, I have only time to give you a very short and hasty reply. I have had a conversation with the President on the subject of your communications, and he directs me to say, that in the present uncertain state state of our relations with Mexico, he knows of no additional instructions which can be given you, he can perceive no necessity for your proceeding to Washington, unless it be under an express assurance from the Mexican Government, that an agent will be sent to that place authorized to treat with you directly in reference to the acknowledgement of the Independence of this Country, as every thing that can be done towards securing the interposition of the United States Government and the British Minister has already been done by General Dunlap. (They are both willing to interpose, and have already done so, as far as propriety in the present state in the present state of the negotiation will permit, and further applications to them at present would be unavailing)

Would it not be better for you to remain in New Orleans until you ascertain distinctly what course the Mexican Government intends pursueing? And if they are disposed to send a special agent to treat with you, could you not carry on the negotiation with that Agent at New Orleans better than at Washington? By remaining at New Orleans you would not only have an opportunity of availing yourself of the services of the Lizardi's which might be beneficial, but you could at any time communicate with the Government as to new points which might arise in the discussion. Besides, it would at the same time be more convenient to the Mexican Agent, as the facilities for communication with his Government would be much greater from New Orleans than from Washington

As regards the money of which you speak, the President says, until he knows their demands he is wholly unprepared to act; and on that account it would probably be better for your negotiation to be conducted at New Orleans, if they are disposed to negotiate at all.

I am not now the Secretary of State and am only acting temporarily in the absence of Judge Burnet, but it will at all times afford me pleasure to do any thing which may aid you in your mission, or accelerate its accomplishment.

I am with sincere regard most truly and faithfully yours &c.
James Webb

[illegible]
[illegible] page 115
[illegible] 24. 117 same [illegible] 118.
[illegible] 118.

Department of State
Houston July 24th 1839.

To B. E. Dunlap notifying him of the changes in the appointments of Commissioner & Surveyor.

I am instructed by the President to inform you that the following changes in the appointments of Commissioner and Surveyor on the part of this Government to run and mark the boundary line between the United States and Texas, have been made, and to request that you will give notice thereof to the Government of the United States.

In the place of Branch T. Archer Esqr (of whose appointment as Commissioner you were notified on the 3d June last, and who for private considerations has since been compelled to decline acting) [illegible]

121 Isaac N. Jones has been appointed, and in the place of C. K. Johns Esqr. George W. Smyth Esqr has been appointed Surveyor.

As circumstances not now foreseen may prevent the attendance of one or both of these Gentlemen at New Orleans on the day appointed for the meeting of the Commissioners, and to avoid any disappointment or delay on the part of this Government in causing the line to be run, David Sample Esqr has been duly authorized to act as commissioner in the place of Mr. Jones, should the latter Gentleman not attend, and if neither of them attend, then Lieut Col. Peter W. Bell... of the Texian Army will be authorized to act, and in the event of the failure of the Surveyor to attend, the Commissioner will be authorized to appoint some other competent person, and to proceed with the work immediately.

You will perceive in this determination of the President to guard against all contingencies which might interrupt the progress of the work his great desire for its speedy accomplishment, and he trusts that an equal anxiety is felt by the Government of the United States to bring to a satisfactory adjustment this troubled question

I have the honor to be with great respect
Your obedient &c &c
Nath. C. Amory, Actg Secty of State

Honl R. G. Dunlap,
Minister Plenipotentiary of the
Government of Texas. Washington

Department of State
Houston July 29th 1839

To R G Dunlap

Sir,

I avail myself of the opportunity offered by my being temporarily acting Secretary of State to ask your advice and assistance in obtaining some information which I have long desired.

It is to ascertain exactly if practicable the system and regulations of all the Departments of Government at Washington from the Executive down, and the duties of both heads and subordinates, with a description of the different books, and the classification of all the different businesses of the Government.

There may be printed regulations and descriptions, or you may devise some means to procure the information, without the necessity of taxing too far your valuable time, and I shall be glad of any suggestions that will lead to an improvement in the mode of conducting the business of this Government

Very Respectfully Your Obdt Servant
Nath. C. Amory.

Honl
R. G. Dunlap
Texian Minister Washington

Department of State
Houston 10th August 1839

To Genl
James Hamilton

To Genl James Hamilton, relative to a Negotiation with France

Sir, It has devolved upon me just as the Steamer Columbia is about to leave, to say to you that the President does not feel himself authorized to sanction the advances you propose to make in relation to the French negotiation. But he directs me to say that whatever expences may be profitably incurred in procuring an early negotiation, if made manifest to this Government, will he has no doubt, be acceded to and protected by the Congress. I regret that my time

is so short, that I have only to add, the high consideration with which
I am, Your most
Obedient Servant &c
David G Burnet

To the Hon. R. G. Dunlap

Department of State
Houston 19th August 1839

Sir,

I have the pleasure to acknowledge several communications from you recently, and one from Mr Roberts of the 2d Inst, enclosing copy of a communication from Mr Poinsett Secretary of War to yourself.

R. G. Dunlap concerning Cherokees and other Indians

I regret to observe that Mr Poinsett seems to restrict the obligations of the United States growing out of the treaty with Mexico, to Indians resident within the United States. The prevention of any encroachments upon our territory from such Indians is certainly very desirable on our part, and manifestly incumbent on that of the Government of the United States. But there is another description of Indians whose annoyances are equally intolerable to us and who are equally within the perview of the treaty stipulations. The band of Cherokees lately under the Chieftainship of the notorious Bowls have been resident for some years in Texas, but they are originally Indians of the United States, and having been unwelcome intruders here, have never lost their American character, nor acquired social or political rights here. They are clearly the legitimate subjects of the Treaty stipulation on the part of the United States and properly belong to their jurisdiction and control.

The Caddoes are more recent intruders upon our territory and they commenced their hostilities before they had the audacity to pass the line of the United States. The Kickapoos, Shawnees, Delawares, and several minor bands of the Creek tribe are in similar circumstances. and these all have combined together in depredating upon our scattered frontier families.

You have probably heard of the late campaign against the Cherokees and its results. It is not ascertained whether they have actually passed the line of the United States or whether they have only dispersed in small parties and are meditating a cruel and desultory war upon our borders. They have been pretty severely chastised and we entertain a hope that they will give us no further molestation. If they shall have crossed into the United States it is important that some adequate steps be taken by that Government to prevent their returning. If they should return, it will be more than probable that many of the restless spirits among the tribes lately translated to our vicinity will unite with them and by becoming participants in the war here, will eventually kindle a flame that will spread along the whole line of the Missouri. The death of Bowls has deprived the tribes resident in Texas, of their most intelligent and mischievous head, and has in a great measure subverted their political powers by destroying their means of combination. Still they may be capable of inflicting grievous evils upon our frontier settlements, by desultory incursions, and it is very important that we avail ourselves of every possible and just method of prevention.

The propriety of the application to the Government of the United States in respect to these bands, is so obvious that the President does not feel it needful to present any further reasons in elucidation of it.

The President's health is improving. We shall shortly be busily employed in removing to Austin.

I have the honor to be
Your Obdt. Servt, David G. Burnet

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Department of State
Houston 19th August 1839.

To General
James Hamilton
Comm^r &c.

Sir,

To Genl Jas Hamilton relating to a change in bonds

The President received yours of 1st inst. from New-York, this morning and he directs me to say in reply that he feels it impossible to assent to so important a deviation from the original plan as to give his assent to the new bonds. The final result in a fiscal view, of the two systems would not be essentially varient; but the new arrangement would render the loan somewhat less available to Texas in the times of her utmost need, by increasing the amount to be annually refunded. It is hoped and believed that your operations will not be much retarded or your eventual success jeopardized by adhereing to the first plan.

relative to the expending $50,000

In relation to your suggestion concerning the expenditure of fifty thousand dollars as secret service money in procuring the recognition of Texas. I had the honor to address you very hastily by your son a few days ago. In addition to that hurried note, I am instructed to say, that in the event of your success in effecting the loan, the President will feel no hesitation in giving you a draft for any amount not exceeding fifty thousand dollars, which you may find it absolutely necessary to expend in this odious way. The President relies with implicit confidence upon your economical and politic discretion in this matter, and only consents to a recourse so repugnant to his feelings, from a painful conviction of its expediency.

In pursuance of views with which you are familiar Mr T+++d has been despatched to Mexico and will communicate with you. He is sanguine of success. The fact of his going may be of service to your operations

Very respectfully, I have the honor
to be, Your Obdt Servant.
David G. Burnet
Actg Secty of State.

Department of State
Houston August 19th 1839.

To the Honl.
J. Pinckney Henderson

Sir, I have the honor to acknowledge the receipt of your letter of 13th June and also that of April 28th.

To Genl Henderson relating to his letter of Henderson &c

The President entertains a very confident hope that you with your co-adjutor General Hamilton will soon enjoy the satisfaction of having been successful in your efforts to obtain a recognition of our independence from the Government of France, and that it will be shortly followed by a similar gratification in England.

The documents you have requested you will receive herewith, made out in the best form we can attain. The letters of recall are made out in double form. One in the usual style from this Department. Another by the President directed to the Sovereign. The President feels a reluctance to trust his blank signature to the hazards of so long and circuitous a rout. If the form we have hit upon is not acceptable. You had better furnish a perfect one, such as is in use at the European Courts. These are small matters that are not within our means of acquisition here

You will probably have heard from or seen General

Hamilton by the time this reaches you.

The permission to Genl. McIntosh to return you will also find enclosed.

In great hast

I have the honor to be

Your Obdient Servant

David G. Burnet

Acty Secty of State

P.S. A set of blanks with the Presidents Signature and the seal, were sent to your direction some time ago, but have probably Miscarried

D. G. Burnet

Mirabeau B Lamar. President of the Republic of Texas

To His Most Christian Majesty, The King of the French.

Letter of Credence to King of France J. P. Henderson

I have appointed J. Pinckney Henderson to reside near your Majesty in quality of Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas. He is well informed touching the relative interests of the two Countries, and of our sincere desire to enlarge and perpetuate the friendship and good correspondence between us, and from a knowledge of his fidelity, probity and good conduct, I have entire confidence that he will render himself acceptable to Your Majesty by his constant endeavors to preserve and advance the interests and happiness of both Nations. I therefore request your Majesty to receive him favorably and to give full Credence to whatever he shall say on the part of Texas: and most of all, when he shall assure of our friendship and wishes for your prosperity: and I pray GOD to have Your Majesty in his safe and holy keeping.

Written at the City of Houston, the Nineteenth day of August Anno domini, One thousand eight hundred and thirty nine.

By Your Friend

L.S.

Mirabeau B. Lamar

Mirabeau B. Lamar President of the Republic of Texas

To Her Majesty the Queen of England

Letter Credence to Queen of England J. P. Henderson

I have appointed J. Pinckney Henderson to reside near Your Majesty in quality of Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas. He is well informed touching the relative interests of the two Countries, and of our sincere desire to enlarge and perpetuate the friendship and good correspondence between us, and from a knowledge of his fidelity, probity and good conduct, I have entire confidence that he will render himself acceptable to your Majesty by his constant endeavors to preserve and advance the interests and happiness of both Nations. I therefore request your Majesty to receive him favorably and to give full Credence to whatever he shall say on the part of Texas: and most of all, when he shall assure of our friendship and wishes for your prosperity: And I pray GOD to have Your Majesty in his safe and holy keeping.

Written at the City of Houston, the Nineteenth day of August Anno Domini one thousand eight hundred and thirty nine.

By Your Friend

L.S.

Mirabeau B Lamar.

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Department of State
Houston 19th August 1839

To the Honl
J. Pinckney Henderson, Minister Plenipotentiary &c.

Sir,

To J. P. Henderson consenting to his return home.

I am instructed by the President to express to you his compliance with your request to return to your Country, and in doing so to assure you of the regret which he feels in the contemplation of your retirement from a station in which your labors have been so useful to the Country and honorable to yourself.

You will feel yourself at liberty to relinquish your charge at the Court of St Cloud as soon after the receipt of this as your own convenience may suggest.

Your successor will be appointed as early as circumstances will justify.

I have the honor to repeat assurances of my high consideration.
And to be Your Obdt Servant
David G Burnet
Actg Secty of State.

To His Most Christian Majesty
The King of the French

To King of France relating to return of J. P. Henderson

J. Pinckney Henderson, whom I had appointed to reside near Your Majesty in quality of Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas having requested permission to return home, and having assigned such reasons of a private and personal nature, as do not, in justice to him, leave me at liberty to oppose his wishes in this regard, I have accordingly, tho with reluctance on account of his valuable services to his Country and his having rendered himself acceptable to your Majesty's Government, consented that he return at such time as may suit his convenience: and I will as soon as may be, accredit to Your Majesty some other gentleman to represent the interests of this Republic, and to make known to your Majesty the sincere desire which I entertain of cultivating the most permanent relations of friendship with your Majesty's Government.

Mirabeau B. Lamar

To Her Majesty
The Queen of England

To Queen of England relating to return of J. P. Henderson

J. Pinckney Henderson, whom I had appointed to reside near Your Majesty in quality of Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas having requested permission to return home, and having assigned such reasons of a private and personal nature, as do not in justice to him, leave me at liberty to oppose his wishes in this regard, I have accordingly tho with reluctance on account of his valuable services to his Country and his having rendered himself acceptable to Your Majesty's Government, consented that he return at such time as may suit his convenience: and I will as soon as may be, accredit to Your Majesty some other gentleman to represent the interest of this Republic, and to make known to your Majesty the sincere desire which I entertain of cultivating the most permanent relations of friendship with Your Majesty's Government.

Mirabeau B Lamar

Department of State
Houston 19th August 1839.

To
Geo S. McIntosh Esqr,

T. Geo S. McIntosh permitting his return.

Sir, I am instructed by the President to say to you, that in conformity to your request to be relieved from your duties as Secretary of Legation. You are permitted to return to your Country simultaneously with the return of Genl Henderson, and I take great pleasure in assuring you of the unqualified approbation of the President who regrets the loss of services so valuable to the country as yours have been.

I beg you will accept assurances of my high consideration
Very Respectfully Your obdt Servant
David G Burnet
Actg Secty of State

Department of State
Peach point Nov 22d 1836.

Honl
Wm H. Wharton, Minister to the U. States.

S. F. Austin to W. H. Wharton relative to his instructions as minister to U. States.

Dear Sir,

I send you a tin case containing your credentials and instructions as Minister Plenipotentiary to the United States of America. It contains your Commission, a letter of Credence to the Secretary of State of the United States, and office copies of them, your general instructions, your private and special instructions, and documents relative to the organization of the Government of Texas, I also send you a file of the Texas Telegraph; please to acknowledge the receipt of them to file in this Department. You already have the declaration of Independence and the Constitution

I herein enclose you, by the order of the President an authority to draw on the Secretary of the Treasury for any sum not exceeding five thousand dollars, and to call on Thos Toby & Bro, Agents of Texas to cash your drafts, or upon the Commissioners of the five Million loan.

Wishing Mr Wharton and yourself a speedy and pleasant passage,
I have the honor to remain
Your Most Obdt Servt
S. F. Austin
Secty of State

Republic of Texas, Department of State
Columbia Nov 19th 1836.

To Honl Wm H Wharton
Minister Plenipotentiary to the U. States of America.

S. F. Austin to W. H. Wharton relating to his drafting on Secty Treasury.

The President has directed me to authorize you to draw on the Secretary of the Treasury for a sufficient sum to meet your necessary expenses, you are therefore hereby authorized to draw on the said Secretary for any sum not exceeding five thousand dollars, on account of your outfit and salary as Minister, and to call on Thos Toby & Bros Agents of Texas in New Orleans, or upon the Commissioners for negotiating the loan of five Millions, to cash your drafts for that amount, out of any funds of Texas in their hands. You will advise the Secretary of the Treasury of each draft you draw, and by whom cashed.

S. F. Austin
Secretary of State

Republic of Texas, Department of State;
Columbia Nov 19th 1836

To Messrs T. Toby & Brothers
Agents of Texas,

By order of the President I have &c

S. F. Austin to T. Toby & Bro. authorizing the Paying of W. H. Whartons Draft.

day authorized the Hon. W. H. Wharton Minister to the United States, to draw on the Secretary of the Treasury for any sum not exceeding five thousand dollars, and to call upon you and upon the Commissioners for negotiating the five Million loan, to cash his drafts, you will accordingly pay him the cash for them out of any funds of Texas in your hands

Respectfully your Most Obdt Servt
S. F. Austin
Secretary of State.

R. G. Dunlap relative to a communication, concerning Indians

Department of State
Austin 25th Octr 1839

Sir,

The Honl David G. Burnet Actg Secty of State being at present absent from the seat of Government, I am instructed by his Excellency the President, to transmit you a certified copy of a communication received this day by the Honl A. Sidney Johnston Secretary of War, from John Emberson Captain of a Company of Texas Rangers on our North eastern frontier, with a request that you will make its contents immediately known to the Government of the United States, in order that prompt measures may be adopted by that Government to prevent the threatened invasion of Texas by the Indians therein alluded to, and restrain them within their proper boundaries.

That the action of the United States Government on this subject will be prompt the President feels the fullest confidence, from the repeated assurances of Mr Poinsett Secretary of War as communicated through yourself, that his Government would oppose force to any body of Indians which might attempt to pass into Texas, and that orders had been given to the Commanders stationed at and near the line of the two Countries to carry out these views of the United States Government.

I have the honor to be with sentiments of high Consideration, Your Obdt servant
Nathl Amory
Chf Clk Dept of State.

Honl
Richard G. Dunlap
Minister for the Republic of Texas
Washington, U. S.

"Extract of a letter directed to the Honl A Sidney Johnston Secretary of War from John Emberson commanding a company of Texas Rangers dated Camp Bois d' Arc Sept 2d 1839.

Since my last nothing of importance has transpired on this frontier, no sign of any Indians crossing Red River, either too or from Texas with the exception of a small party of Shawnees a few days ago, on their way from Texas, to their Village on the North side of Red River, which party was permitted to pass unmolested, and crossed the Red River in peace and safety, this party informed us, of a party of Cherokees, settled and are now remaining, on the East fork of the Trinity River About ——— ——— we will keep a close watch for them.

I have just received a communication from W Clark Sub Agent for the Choctaw Indians of the United States, which informs us that a party of Cherokees are now embodying on the Arkansas River for the purpose of invading Texas, and advising me to keep a close watch for them, I believe the United States Indian Agents are doing all in their power to prevent the Indians from crossing Red River to commit depredations upon our Citizens. Yet it will be impossible to prevent it, so long as Red River remains the dividing line for 200 miles between our settlements, and the

Indians, and no Station, or Military Post, at any point upon said Stream.

Department of State, Austin Oct 25—1839

(Seal) I certify the foregoing to be a true copy

N. Amory. Chf Clk Dept State

Department of State
City of Austin 29 Novr 1839.

To Alcee La Branche relative to crossing the line by a Military officer.

The Undersigned, acting Secretary of State, has the honor to acknowledge the receipt of the note of 28th Inst. from the Honl Chargé d'Affaires of the United States, representing that "another violation of the territory of the United States has been committed by a Military officer of Texas"—

The undersigned has submitted that note to the President and has great pleasure in reiterating to the honorable Mr La Branche his sentiments on the subject and to assure him that an enquiry will be instituted into the relative facts * ~~and such measures~~ adopted as it is hoped will effectually prevent the recurrence of a similar event. The President is sensible of the many difficulties incident to border settlements where the population of the remote frontiers of two Governments are put in juxta position. In the present instance those difficulties are probably enhanced by the fact that the line of demarcation between the two Governments has not been definitively ascertained and by the consequent inability of this Government to perfect its domestic organization in that quarter of this Republic.

* that the officer who may be found to have so transgressed, will be suitably admonished of his indiscretion; and that such further measures will be—

It affords the Undersigned great satisfaction to assure the Honl Chargé d'Affairs of the United States that nothing can be more foreign to the designs or repugnant to the wishes of the President and indeed of the people of Texas, than to intercept the harmony and good understanding which so happily subsists, and it is confidently hoped always will prevail between the two Governments.

The acting Secretary of State has the honor to repeat to the honorable Mr La Branche assurances of his high consideration and Regards.

To the Honorable
Alcee La Branche, Chargé d'Affaires
of the United States Austin.

David G Burnet

Department of State
Austin Decr 3d 1839.—

To Alcee La Branche

Sir, I have the honor to acquaint you that in place of David Sample Esqr Commissioner on the part of Texas to run and mark the boundary line between this Republic and the United States, the Honl Memucan Hunt has been appointed and will relieve the former Gentleman on arrival at a point where he may meet the joint Commission of the two governments.

With great consideration
I have the honor to be
Your Obedient Servant
David G. Burnet
Acting Secty of State

Honl
Alcee La Branche
Chargé dé Affaires
of the United States
Austin.

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Department of State
December 7th 1839.

Sir, Agreeably to my promise in the conference which I had the honor to hold with you on yesterday, relative to the claim of Messrs Campbell and Dean, which was presented to this Government in your official letter of 18th June last, I am directed by the President to remark.

That the Government of Texas feels itself bound to make full compensation for the quantity of bacon that was actually pressed by an Officer of the Texian Army, from the possession of Mr E. G. Byerly, as alledged in your note and avouched by the receipt of that Officer. The only difficulty that intervenes an immediate settlement of this demand results from the excessive price which the claimants have affixed to the article. To render justice, is a common duty: to submit to imposition, is to sanction and reward iniquity. Messrs Campbell and Dean must be sensible that no instance can be found in this or any other Country, of inferior and damaged bacon having been sold at two dollars per pound. On this subject, I have the honor to transmit you three several letters from gentlemen of high respectability, all of them members of the Congress of Texas. But as I am in expectation of further testimony on this subject, I would respectfully suggest the propriety of deferring the discussion of it until more minute information can be had.

(margin: To A. La Branche relative to the Claim of Campbell & Dean)

In reference to the damages claimed, I can only remark at present that the question of damages, and the amount, if any, to be allowed, will depend upon the circumstances of the case; and with the very limited intelligence we now have, it would be impossible to arrive at a satisfactory solution. The whole demand is so exceedingly exorbitant that a rigid scrutiny into the relative facts, seems to be indispensible to a just appreciation of it.

I have the honor to repeat to Mr La Branche, assurances of my high consideration.

David G. Burnet
Actg Secty of State.

To the Honl
Alcée La Branche
Chargé d'Affaires of the United States.

(The following are the letters transmitted as referred to above.)

Austin 30th Novr 1839

Honl David G. Burnet

Sir, Having understood that the Honl Chargé d'Affaires of the United States, near the Government of the Republic of Texas, has claims against this Government for 10000 dollars which which is charged by one Davis for 5000 pounds of inferior bacon pressed by the quarter Master of the fourth Brigade Texas Militia. Having been myself engaged in the sale of Bacon during the same season, previous to said impressment, I am enabled to say with certainty that at the time of the impressment of said bacon and previously, the highest prices for which any was sold in the neighborhood of said bacon unless in very small quantities did not exceed seventeen cents per pound, average prices from 15 to 17 cents pr lb. The bacon taken by our Quarter Master was a very inferior article consisting of Jowls, Shoulders & Sides.

(margin: Letters enclosed to A La Branche)

Very respectfully Your Obdt Servt
William Scurlock.

Austin November 30th 1839.

To Honl David G. Burnet.

Sir, I was acting in the capacity of Assistant

Quarter Master for the 4th Brigade at the time the lot of bacon (5000 pounds) belonging to, or in the possession of a Mr Bryeily a citizen of Red River county, was taken for the use of the troops of the brigade,— and it was always my understanding that, the above Bryeily informed Major West the Quarter Master that he could have the bacon, I am quite confident had any opposition interfered, this bacon would not have been taken. I draw this inference from instructions given to me when I commenced preparing to fit out the 2d Battalion of the 1st Regiment.

I can further say, that this was an inferior lot of bacon, and much injured by bugs worms &c. having been on hand through the summer until November before taken.

Respectfully yours &c
William M. Williams

Hon. David G. Burnet.

Dr Sir, I have examined the communications from Captains Scurlock and Williams herewith enclosed and am certain that the statements made therein are strictly true. I lived in the adjoining county at the time of taking the bacon alluded to in said communications, and I know very well that the price of the best bacon in small lots in the county of Red River, at and before the time of taking said bacon was from 15 to 17 cents per pound, and no lot was during that time sold for a higher price, during the summer or fall in which said bacon was taken.

Very Respectfully
D. Rowlett.

Department of State
Austin 2d Decr 1839.

To the Honl.
R. G. Dunlap,

Sir, It becomes my unpleasant duty to inform you that the Senate have declined confirming your appointment as Minister Plenipotentiary to the Government of the United States.

To R. G. Dunlap his rejection by the Senate.

It is the Presidents desire that, you continue in the discharge of your duties, until your successor shall arrive at Washington city, in as much as the present interesting posture of our foreign relations renders it exceedingly desirable that the important station you have occupied with so much credit to yourself and advantage to your country, should not be vacated even for a short period.

The President has not yet nominated a gentleman to succeed to your Mission, but he will probably do so as soon as he can determine upon a suitable person.

With great consideration I have the honor to be, your

Your very obedient Servant
David G. Burnet.
Acting Secty of State.

Department of State
Austin 16th Decr 1839 —

Sir, Many official engagements have caused me to defer replying to your note of 10th inst which was received some days ago.

I cannot but regret that the phraseology of the note which I had the honor to address to you on the 7th instant, should give occasion for any explanatory discussion, and I regret it the more because you seem to have misconstrued its meaning in several particulars. I was perfectly sensible that Messrs Campbell and Dean had exercised sufficient adroitness to present their demand in two distinct forms: but it was also apparent that the aggregate sum demanded for five thousand (5000) pounds of bacon exceeded ten thousand (10.000) dollars, which is something more than two 2, dollars per pound for the Bacon. The three letters from highly respectable gentlemen, copies of which were transmitted to you with my last note, afford ample testimony of the facts, that the bacon pressed was of inferior quality and damaged: that the current price of good bacon in the neighborhood and at the time of the pressing was from 15 to 17 cents per pound: and one of them very distinctly intimates that the bacon in question was taken with the free consent of the person in charge of it, although the receipt given by the Texian Officer purports that it was pressed. I therefore canot perceive any impropriety in considering the demand as one, and the price of the bacon actually taken, as fairly estimated by its relative proportion to the amount demanded. The partition of the claim into two separate items, does not vary the result to this Government. We acknowledge to have received 5000 lbs of bacon and no more is alledged to have been taken. If 10 072,$\frac{27}{100}$ dollars are demanded for it we are evidently required to pay something more than two dollars per pound. The allegation of Messrs Campbell and Dean that 20193 pounds of inferior and damaged bacon was totally lost in consequence of 5000 lbs consisting of, "sides shoulders and bones", having been taken from it, is too preposterous for serious consideration: and I am persuaded that when the facts are fully presented to your mind, that you will perceive and assent to its absurdity. But it is perfectly consonant to the further fact that they have charged for this lost bacon, which remained in their own possession, something more than twice the current value of the article

I am constrained to express my surprise that you could for one moment imagine I intended to cast any "imputation" upon the Government of the United States. It is true, that Government, has "presented" this extraordinary claim, and in doing so, it has discharged a common duty to its citizens. But I should believe with extreme regret, that in this instance, presentation and justification were convertible or synonimous terms. I have not so understood it, and cannot therefore be justly supposed to have designed any imputation upon that government which commands the highest filial veneration of nearly all Texians.

That the demand of Messrs Campbell & Dean is utterly unreasonable, will I am convinced be made apparent to you when all the relative facts are disclosed, and then, I am persuaded you will not differ with me in the moral estimation of

To A. La Branche
Claim of Campbell & Dean

that demand. Enough is already apparent to satisfy me on that point, and to corroborate an opinion founded on observation that some men of ordinary good repute, have small restraints of conscience in making up demands against a government, which is in this respect, but an aggregation of individual interests and is capable of being defrauded.

So soon as the further information which I am expecting on this subject, shall be received, it will gratify me to submit it to you.

I have the honor to renew assurances of my high consideration and esteem.

Your most Obedient Servant
David G. Burnet
Acting Secretary of State.

Hon. Alcée LaBranche
Chargé d'Affaires of the United States.

Department of State
Austin December 20th 1839

To A. LaBranche relative to Schooner Robt Centre.

Sir

Your note of 19th inst accompanied by a copy of a letter from Capt Shepard of the Schooner Robert Centre, I had the honor to receive last evening.

The President regrets exceedingly the unfortunate circumstances in which Capt Shepard is involved and will cheerfully extend to him any means in his power to obtain a redress of his alleged grievances. Our District Judges are invested with exclusive original jurisdiction in maritime cases, and it so happens at this juncture that the Judge of the District comprising the port of Matagorda is on his way to the Capitol to attend the Supreme Court of the Republic, of which he is a member.

To order a special Court at Matagorda at this moment might seriously conflict with the proximate session of the Supreme Court and result in great public inconvenience. But so soon after the adjournment of the Supreme Court as may be practicable, a special Court for maritime purposes will be held at Matagorda, when it is hoped and believed, Capt Shepard will have ample justice dispensed to him.

With great Consideration
I have the honor to be
Your obt Servant
David G Burnet
acting Secretary of State

Hon Alcée La Branche
Chargé d'affaires of the U. States

Department of State
Austin Decr 17th 1839

To A La Branche relative to the Claim of Campbell & Dean

Sir

I hasten to acknowledge your note of this morning, and to express my entire concurrence, that "a further discussion of the subject matter," is, at present "unnecessary and inopportune".

In my opinion enough has been disclosed to justify all that I have pronounced upon the merits of the demands of Mess Campbell and Dean. But I admit also, that more evidence may be necessary to a correct adjustment of the specific amount to which they are equitably entitled. That something is due them is without controversy. But that there demand is exorbitant and unreasonable, is perfectly clear to my perception, and in pronouncing it so

I have no desire to diminish their claim a fraction of a cent below its true merits what those merits are is the essential matter for discussion, and when the more minute testimony which is expected, shall be received it will afford me pleasure to renew the subject, and I trust to reduce it to a final and satisfactory conclusion.

With distinguished Consideration
I have the honor to be, your obt Servant
David G Burnet Actg Secy State

Hon Alcie La Branche
Chargé de' affaires

Department of State
Austin [illegible] 1840

Sir

I enclose you a copy of a communication recently received from Mr. Rowlett a member of our Congress for Fannin County and a gentleman of unexceptionable Character.

R. G. Dunlap enclosing a claim of Danl Rowlett & others for Cherokee depredations

You are requested to present his claim to the Government of the United States without delay. It is probable from the fact that [illegible] resident with the Cherokees in the state of Arkansas, had been made acquainted with the claim and the circumstances connected with it, that you will find the Government of the United States already informed on the subject, and the President is persuaded that that government [illegible] information of the relative facts to induce them to order a prompt restitution or [illegible] adequate compensation to be made to the parties injured. The amount claimed is but a moderate remuneration for the losses actually sustained — and by referring to the treaty between the United States and Mexico on this subject, you will find such remuneration fully stipulated.

Should any [illegible] documents be required to substantiate the claim you will apply to the department, as early as practicable, for the citizens concerned in the demand have an interest in its speedy adjustment. If the Government of the United States are convinced of the justness of the demand, it cannot be doubted that they will give a peremptory order to have the amount due the claimants abated from the next annuity payable to the offending tribe of the Cherokees and paid to the claimants at such convenient time and place as may be selected.

Your early attention to this business is requested.

I have the honor to be
Very Respectfully
Your obt Servant
David G Burnet actg Sec State

To
Hon R. G. Dunlap
Minister Plenipotentiary &c

Austin 3rd Jany 1840

Hon David G Burnet
Acting Secretary of State
of the Republic of Texas

Danl Rowlett letter & claims

D Rowlett for himself and as Agent for others humbly petitioning sheweth to your honor, that heretofore on the 1st day of May 1839 — a party of Cherokee Indians then living a short distance above Fort Smith in the United States of North America did steal and carry off from the County of Fannin in this Republic the following property namely — Two Horses the property of D Rowlett worth three hundred and fifty dollars. One horse the property of J. Fitzgerald worth one hundred and fifty dollars. One mare belonging to J.R. Garnett worth one hundred & fifty dollars — one mare the property of John Duncan worth two hundred dollars — one mare the property of George Duncan worth one hundred and fifty dollars — two mares and one colt the property of George Dawson worth two hundred dollars — one horse the property of A. C. Dodds worth one hundred and fifty dollars two mares the property of John and Isham Davis worth two hundred Dollars. — All amounting in value to the sum of

fifteen hundred and fifty dollars. Your petitioner would further state that said Indians were pursued by himself and eleven other citizens of the County of Fannin, a distance of about two hundred and fifty miles, and so closely that said Indians were compelled to leave on the way one of the mares belonging to the Morriss which was retaken on their trail, and when said Indians had been trailed up within a very short distance of Fort Smith in the United States where the said Indians then lived, your petitioners took from said Indians one of the mares belonging to George Dawson and the colt of said man, but said Indians were able to conceal the ballance of the property stolen as afores-aid. Your said petitioners then went to Genl. Armstrong the Cherokee Agent-state, and near Fort Smith to whom they made complaint and said Agent readily pronounced that the value of all said property together with the expense of pursuing it should be retained out of the first annuity which might fall due to said Indians upon proper application being made for the same, which I hope you will do through the Charge' de' affairs of the United States residing near this Government. Fifteen hundred & fifty dollars, from which deduct two hundred & twenty five dollars, for recovered horses, leaves a ballance of thirteen hundred & twenty five dollars to which add the sum of two hundred & fifty two dollars, to cover the expenses of twelve men fifteen days, will make the sum of fifteen hundred & seventy seven dollars due us for said horses, and for detecting the theives for the recovery of which your aid is most respectfully solicited, and we are in duty bound will ever pray &c

M. Kuykendall for
himself and others

Department of State
Austin Jany. 20th 1840

Sir

The President has learned with profound regret, that the Ambassador of Texas, accredited to the Courts of France and Great Britain has sustained a high indignity, and a serious interruption on his home-ward passage through the territory of the United States.

S. T. L. Dunlap's relative to indignity offered to J. P. Henderson in N. York.

It appears that that gentleman, the Hon J Pinckney Henderson was arrested and held to bail, in the City of New York, shortly after his landing from Europe, at the suit of Mr Timothy T. Kissam and also at the suit of Messrs. Holbrook & Co. Merchants of that City. And it is alleged these persons, were fully apprized of the ambassadorial character of the gentleman against whose person their offensive proceedings were directed. General Henderson in a letter to this Department shortly after the unfortunate transaction occured, remarks, "The first intimation I had of their claims against me was from the Sheriff, who came to my apartments and arrested me with as little ceremony as he would have arrested a common Felon, although I exhibited to him my commission as minister of Texas to France and England, and protested against the arrest as an insult to Texas and a violation of her ambassadorial rights."

The most ancient and the most barbarous nations have recognized the rights of ambassadors as sacred and inviolable. Those rights include as a special privilege, exemption of the person of the ambassador from the civil jurisdiction of the country in which he may reside and to whose sovereign he is accredited. When that country is remote from his own and it becomes necessary to pass through other dominions in order to reach it or to return from it, his ambassadorial immunities accompany his progress, and all sovereigns through whose dominions he may pass, are bound by the usual comity of nations to respect his representative character and to afford him a free passage without molestation or hindrance unless his transition be attended by circumstances which involve some public hazard or inconvenience to the country through which he passes.

Nothing of this kind can be alledged in the passage ...

General Henderson from the Courts of France and Great Britain, through the territory of the United States, to Texas. He entertained no political schemes adverse to the interests or the tranquillity of the Government of the United States, nor meditated any injury to any of its citizens.— His object was simply to return by the most convenient route to his own country.— In essaying to accomplish this object, after having rendered eminent services to his Country, he had been rudely arrested and subjected to great inconvenience and indignity within a government with which Texas is proud to acknowledge her relations of Amity and to profess her alacrity to reciprocate every feeling and every act of national Courtesy and friendship.

The government of Texas is not insensible of the vast disparity of physical power between itself and that of the United States.— But this is a question of political and international right, and is not dependent upon physical power for its solution.— It concerns all nations, for all are interested in sustaining the necessary immunities, which all civilized and many barbarous powers have agreed reciprocally to confer upon those who bear the representative character of a nations Sovereignty.— The President cannot doubt that the government of the United States will vindicate those immunities in her own behalf, and will also cause them to be rigidly respected on the part of her citizens, towards other co-equal Sovereignties.

The President expects you will represent this outrage upon the national dignity and the rights of Texas in suitable terms to the government at Washington, and that you will request at their hands such reparation as from the facts and circumstances, may appear to be just and consonant to the usages of nations.— General Henderson was subjected to a delay of several days and his personal feelings were violated by indecorous language touching his country, by Mr Kissam, one of the Plaintiffs.— But the chief indignity was offered to the Sovereignty of Texas and such indignities are forcibly addressed to the sympathies of other nations.— Annexed you will find a list of the persons concerned in these affairs, which list you will transmit to the government of the United States for their more certain action.— It cannot be doubted that that government which has ever approved itself wisely jealous of its own rights, will feel the necessity of instituting prosecutions against its citizens who have been so forgetful of their obligations as to violate the most salutary rules of inter-national decorum and of universal comity, which rules contribute so much to the conservation of national harmony, by affording a free passage to the Messengers of peace and reconciliation.

With great consideration
I have the honor to remain &c
David G Burnet acting Sec State

To Hon R G Dunlap

Executive Department
Austin Jany 28th 1840.

To His Excellency
Martin Van Buren
President of the United States

Richard G Dunlap whom I had appointed to reside near the Government of the United States at Washington in quality of Minister Plenipotentiary of the Republic of Texas, having requested permission to return to his country, and having assigned such reasons as induce me to comply with his request; he is permitted to return whenever it will suit his convenience and Service as soon as may be accredit to the Government of the United States some other gentleman to represent the interests of this Republic near that Government.

Respectfully
Mirabeau B Lamar

"Superior Court of the City of New York. Timothy J Kissam & S Pinckney Henderson 2 notes Bail $3000 Samuel Holbrook, Thomas S Nelson & William E Shepard vs the same
Jones & Peck Deputy Sheriffs, Wm Lord Esqr and Mr Bellew the parties witnesses to the arrest

Department of State
Austin Jany 28th 1840

To the Hon Richard G. Dunlap
Minister Plenipotentiary near the
Government of the United States

To R. G Dunlap relative to his return

Sir

I am instructed by the President to express to you his compliance with your request to return to your Country, and in doing so to assure you of the regret which he feels in the contemplation of your retirement from a station in which your labors have been so useful to the Country and honorable to yourself.

You will feel at liberty to relinquish your charge at Washington as soon after the receipt of this as your own convenience may suggest. Your successor will be appointed as early as circumstances will justify.

I have the honor to repeat &c
David G. Burnet Actg Secty State

Department of State
Austin Jany 29th 1840

To Commander Hamilton
of Her Britannic Majesty's Navy

Sir

His Excellency the President has this morning the pleasure to receive the communication from His Excellency the Governor of Barbadoes of 26th December 1839, which you caused to be transmitted to him by the Collector of the Port of Velasco. I am instructed by the President to say in reply

To Commander Hamilton relating to British Negroes

to the application "for certain British Negroes supposed to be detained in Slavery in this Country" that this government has no knowledge of any persons of that character described, being within its jurisdiction. Our sea coast is extensive and has heretofore been but very imperfectly organized in its internal affaires and is consequently exposed at some remote points to access by illicit traders of all descriptions. These inconveniences are being remedied as fast as circumstances will permit. If any British Negroes have been introduced into the Country it would be very gratifying to this Government to be informed, at what time, at what place, by whom and by what means the violation of our Law has been perpetrated. Such information would give important facilities to the Government in its future efforts to prevent similar aggressions. If any such persons as you are instructed to apply for are among us and can be identified as such there will be no hesitation on the part of the government in surrendering them to their proper jurisdiction. The President requests me to say to you that he would be gratified to see you at Austin and to confer personally with you on the subject of your mission.

With great consideration
I have the honor to remain &c
David G Burnet
Acting Secy of State.

Department of State
Austin Feby 8th 1840

Abner S Lipscomb Secretary of State
of the Republic of Texas

To John Forsyth letter of Credence of B. E. Bee

To the Hon John Forsyth Secretary of State of the United States of America

His Excellency the President of the Republic of Texas, by and with the advice and consent of the Senate has made choice of Barnard E. Bee to reside near the Government of the United St[ates]

quality of Charge d'affaires of the Republic of Texas. He is well informed of the relative interests of the two countries, and of our sincere desire to cultivate and strengthen the friendship and good correspondence between us, and from a knowledge of his fidelity, probity and good conduct, I have entire confidence that he will render himself acceptable to your government by his constant endeavors to preserve and advance the interests of both nations. I therefore request you to receive him favorably, and to give full credence to whatever he shall say on the part of the Republic of Texas, and most of all, when he shall assure your government of our friendship and good wishes

I avail myself of this occasion to renew to you assurances of my great consideration
Abner S Lipscomb Secy of State

I Mirabeau B Lamar
President of the Republic of Texas

Authority to Hon. B. E. Bee to treat with Mexico. —

In the name and by the authority of the same, and by virtue of the power vested in me by Law, do by these presents fully authorize and empower the Honorable Barnard E Bee Charge d'affaires of the Republic of Texas near the Government of the United States for and in the name of said Republic of Texas to meet and confer with any person or persons duly authorized by the Government of Mexico and being furnished with equal power and authority, and with him or them to treat, consult, negotiate, and agree of, and concerning the acknowledgement and recognition of the Independence of the said Republic of Texas, by the said government of Mexico and of and concerning Limits, Commerce, Navigation, and Amity between the two Countries and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties touching the premises transmitting the same to me or my successor in office for final ratification, by and with the advice and consent of the Senate of the said Republic of Texas.

And the said Charge d'affaires of the Republic of Texas near the government of the United States is hereby further authorized and empowered to treat and consult for and in the name of said Republic of Texas, with such person or persons, as may in like manner be duly authorized and empowered by the government of Mexico, concerning the suspension of all further hostilities between the armies, fleets, and people of said Countries until such time as their respective rights and claims can be amicably discussed and adjusted and to make and sign any convention respecting the same which may be agreed upon by the parties authorized to treat and consult as aforesaid.

In testimony whereof, I have caused the great seal of the Republic of Texas to be hereunto affixed

Given under my hand at the City of Austin this the Eighth day of February A.D. 1840, and of the Independence of Texas the fourth.

(L. S.)

Signed Mirabeau B. Lamar

Signed
Abner Lipscomb
Secy of State

Mirabeau B Lamar
President of the Republic of Texas

B. E. Bee commission charge d'affaires U. States

To all to whom these presents shall come Greeting

Know ye that for the purpose of confirming between the Republic of Texas, and the government of the United States perfect harmony and good correspondence and of removing all grounds of dissatisfaction

and reposing especial trust and confidence in the integrity prudence and ability of Barnard E. Bee. I have appointed him Chargé d'affaires of the Republic of Texas near the said Government of the United States, and do hereby invest him with full and all manner of power and authority for and in the name of the Republic of Texas to meet and confer with any person or persons duly authorized by the said Government of the United States, being furnished with like power and authority and with him or them to agree, treat, consult and negotiate of and concerning Amity, Commerce, Navigation and limits between the two countries, and of all matters and subjects connected therewith and to conclude and sign a treaty or treaties Convention or Conventions touching the premises transmitting the same to the President of the Republic of Texas for his final ratification by and with the advice and consent of the Senate of the Republic of Texas.

In testimony whereof, I have caused the great seal of the Republic of Texas to be hereunto affixed.

{L. S.}

Given under my hand at the City of Austin this the Eighth day of February in the year of our Lord Eighteen hundred and forty, and of the Independence of the Republic of Texas the fourth

signed Mirabeau B Lamar

Abner Lipscomb
Sec of State

Department of State
Austin 31st March/40

Hon Barnard E. Bee
Chargé d'Affaires

Sir

B. E. Bee relation to Comdr Moore

The communication of your predecessor General Dunlap with the documents relative to the arrest of Commadore Moore, enclosed has been received, accompanying the same was a note of Mr Forsythe Secretary of State of the United States, to General Dunlap, in which it is extremely to be regretted, that the Honorable Secretary has allowed himself to be betrayed into feelings and expressions, not altogether consistant with the amicable relations subsisting between the two Governments.– The evidence on which he is pleased to charge the Commadore, with declarations at variance with his acts, could hardly be deemed sufficient to authorize the arrest and deprivation of liberty for a moment of the humblest citizen of either Government, by their own laws and constitutional privileges.– It is exparte and hearsay evidence. and on such testimony the Honorable Secretary, felt himself authorized, to convey a threat, to exclude by proclamation the vessels of war, belonging to our Government from the coasts of the United States. When courtesy and the usages of nations should inculcate delicacy and much forbearance, beyond what would be required in the supposed violation of law, by a private individual. Capt Moore's official character should have protected him against the imputation of a violation of the laws of the United States until the fact had been made manifest, by at least such proof, as the most humble individual in New York, had a right to demand, previous to subjecting him to an arrest.– If the evidence forwarded had have afforded, such strong presumptive proof, of the offence having been committed; as is usually required. The President would have had a strict enquiry instituted, and if found to be true, would have made such satisfaction, as the laws of friendly nations would have required to the United States Government, for a violation of their laws, by a subordinate officer of this Government.– The President is not willing to believe, for a moment that the Hon Secretary of State of the United States, or his Government, entertains any deliberate intention of manifesting any unfriendly feeling towards our Government and in declining to make an apology to the Govt of the United States for the supposed misconduct of Capt. Moore, it is put expressly on the footing, that it does not appe

evidence furnished, that the facts charged are true as to him, and he utterly denies their truth. It is rumoured here, that the grand jury of New York, have not returned Bills against Capt. Moore, and others charged with the violation of neutrality, if this be true. I presume the subject will be permitted to rest. I would particularly call your attention, to the subject of depredations committed by the Indians of the United States, on the inhabitants of our frontier, this Government has reason to believe that most of our Indian troubles, proceed from the Indians residing within the limits of the United States, particularly the Caddos and they are believed all of them to be principally supplied with weapons from the United States you will not fail to urge upon the United States the necessity of a compliance with the stipulations of the treaty by which they bind themselves, to keep those Indians within their borders quiet, and to restrain them from acts of hostility. This cannot be too frequently urged upon the Cabinet of Washington. The President exceedingly regrets the occurrence of the affair of the arrest of Commodore Moore in New York, and would most seriously deprecate any unpleasant results therefrom. and trusts that your sound judgment and discretion, will avert all such unpleasant consequences.

Indians

I have the honor to be with great respect
Your obedient Servant
Abner S. Lipscomb
Secy of State

Department of State
Austin 1st April 1840

A. LaBranche relative to schooner Robt. Center.

Sir

I have the honor to acknowledge the receipt of yours of the 12th Ulto. in relation to the case of Mr Shepard. Master of the Robert Center. The delay in the case of the Robert Center, was occasioned by a vacancy on the Bench in the Matagorda District and after that vacancy had been filled by Congress, the judge was compelled to give his attention on the Supreme Court at the Seat of Government. There has been a Court holden at Matagorda, since the date of Mr Shepards letter to you, and I have no doubt his case has been disposed of.

Accept Sir the assurances of the high consideration & esteem with which I have the honor to be, your obt. Servant
Abner S. Lipscomb
Secretary of State

To Honl. Alceé LaBranche
Chargé d' Affaires
U. S.

Commission to Hamilton & Burnley to negotiate with France.

In the name and by the authority of the Republic of Texas
To all to whom these presents shall or may concern. Greeting

Be it known that I Mirabeau B Lamar, President of the said Republic of Texas reposing special trust, and full confidence, in the honor, Patriotism, fidelity skill, and capacity, of James Hamilton and Albert T. Burnley, do by these presents constitute, and appoint them the said James Hamilton and A T. Burnley as commissioners on the part of the said Republic of Texas to negotiate with any person or persons duly authorized by His Majesty the King of the French, for a reduction of the duties on all or any articles the growth and Manufacture of France, in the event of the French Government either taking the loan of Five millions of dollars, or aiding in its successful negotiation, and likewise to continue to invest the said James Hamilton and A T. Burnley with full powers and authority as Commissioners of the Five million Loan as contemplated in all the acts of Congress on that subject.

Giving and hereby granting to them the said James Hamilton and A T. Burnley either collectively or separately, with full power and authority as such to exercise and discharge all and singular, the duties relations and trusts of their said office as Commissioners in any wise

appertaining by the constitution and Laws of this Republic. To have and to hold the same and all and every the honor the Fees, Perquisites and dues thereunto belonging for and during the term necessary to accomplish said object, or untill they shall be recalled from said mission.

Given under my hand and the great Seal of the Republic at the City of Austin this the 1840 and of the Independence of said Republic the Fifth

Mirabeau B Lamar

I Mirabeau B. Lamar

President of the Republic of Texas

Commission to Jas Hamilton to treat with Belgium

In the name, and by the authority of the same, and by the powers vested in me by law, do by these presents constitute and appoint the Honorable James Hamilton, Commissioner or Agent, on the part of the said Republic of Texas, to meet and confer with any Agent or Agents, duly authorized by His Majesty the King of Belgium, furnished with equal powers, and authority, and with him or them to treat, consult, and agree of and concerning Commerce, Navigation, and Amity, between the two Countries, and of all matters and subjects connected therewith and to conclude and sign, a treaty or treaties, touching the premises, transmitting the same, to me or my successors in office, for final ratification, by and with the advice and consent of the Senate of the said Republic of Texas.

In testimony whereof I have hereunto caused the great seal of the Republic to be affixed

Given under my hand and Seal of office, at the City of Austin this the Eighteenth day of April A D 1840 and of the Indepen dence of the Republic the Fifth

(Signed) Mirabeau B Lamar

Abner S Lipscomb
Secy of State

Duplicate of this commission & following letter forwarded on the 15th August 1840

Republic of Texas
Department of State
April 18th 1840

Genl. James Hamilton

Sir

Instruction to Genl Hamilton, to treat with Belgium &c. &c.

You will receive herewith authority to negociate a Treaty of Amity and Commerce, with the Belgian Government. The President has no particular instructions to give you, as to the basis or principles, on which the proposed Treaty will be formed; but leaves it to the suggestions of your known sound judgement and prudence. Your knowledge of the products and wants of our Country and the manufacture and Commerce of Belgium, will enable you to determine what commercial arrangement would best suit us. From the suggestions of our late Minister to France Genl Henderson, it is hoped, that you will be able to negociate this Treaty at Paris. Under the friendly auspices of His Majesty the King of the French. That Government is the only one, on the other side of the Atlantic that has as yet acknowledged our existence as a nation. grateful for so much magnanimity. It is the wish of this Government, that our negociations, with the other European powers should be conducted in a way the most acceptable to the King consistently with our own interest, dignity and self respect. It is probable that whilst at Paris, you may be able to discover what are the feelings of other Governments, represented at that Court, in relation to us. It is confidently believed you will embrace and cherish, every indication, of a wish to establish friendly relations, with us, and that you will particularly address yourself to the

as to the prospect of forming a Treaty of Amity & Commerce with Spain.— It is an
Spain. object very much desired by the President to open an intercourse of trade, with
Cuba, and other Islands belonging to Her Majesty the Queen of Spain. In your
negociation with the King of Belgium, should it be found necessary, you can repair
to Brussells if not inconsistent, or prejudicial to other important trusts confided
to you. The relations between England and the United States, are unsettled and
there is some prospect of the two Governments, being involved in a war, this perhaps
England. would be a favorable moment to renew our efforts to make a treaty with Great
Britain.— In the event of war the neutrality of this Government would be of vast
importance to the English Commercial and Manufacturing interest.— I merely
call your attention to this subject knowing that your zeal and good judgement
will be exerted, in making the best possible uses of any favorable conjuncture
that may be presented.— We have had no news from Mexico since the 29th of
Feby, at that time there had been no act, by which the Mexican Govern
=ment had directly committed itself, on the question of recognition, our Agent
had made himself known to the Government secretly, through the British min
=ister, and had been presented to the Secretary of State, and politely, and apparently
Agent to Mexico friendly received; He was asked for his authority to bind the Government of Texas
in any stipulations that he might enter into, with Mexico. And as he was not clothed
with such authority, under the sanction of the usual forms, all discussion was sus-
=pended until such powers, duly authenticated should be received by him.— The
credentials required were forwarded to him promptly. In the meantime our Country
has been kept in a continued state of excitement, by the rumour of great preparation
being made by Mexico to invade us.— The administration, has been compelled
to submit patiently, to continual and violent abuses for its inactivity and
apathy in not resorting to active offensive measures to extort a peace.. and we have
found it difficult to keep our Navy in Port without loosing all of our officers, they
are so impatient of what appears to them strange and unaccountable inactivity on the
part of the Government.— The People at large cannot understand the Presidents position,
and policy forbids all such explanations, as would be comprehensible to them, we are
therefore compelled patiently to submit to a loss of popularity.
This state of things however cannot be long sustained, & should the present [illegible] be not done
soon, we shall be forced to change our position, and to commence active offensive operations
Should we be compelled to do so, and to occupy Matamoras, and all of the west bank of
the Rio Grande you can give assurance, that it will not be with a view, of holding
permanently, one inch of Territory beyond that River, but it will be with the purpose of
extorting a peace and securing our western citizens from the inroads of marauders
of whatever denomination, Centralists or Federalists, to which they have been so long ex-
posed, that all emigration to that section of the Republic, has been suspended.— I have
the hope still, that our next news from our Agent will be of a decidedly favorable
complexion. The prospects of our citizens, as to the growing crop, is truly cheering
Crops in Texas. they have planted far more extensively than formerly, and the corn crops are almost
made, as the Spring was so exceedingly favorable, that they planted nearly one month
sooner than usual, our frontiers however, are still annoyed, the predatory bands
of Comanche's occasionally murdering a man, and stealing a great many horses.
I hope soon to hear of your success

I avail myself of this opportunity of expressing the great respect
With which I have the honor to be
truly your obedient Servt
Abner S. Lipscomb
Secy of State

Department of State
City of Galveston 6th June 1840

To Genl James Hamilton

Sir

The President is spending some time at this place, for the benefit of his health which had suffered much recently, from his confinement to business at the Seat of Government; Capt. Todd has communicated your wishes, in relation to the employment of his Services in procuring Arms Munitions &c. for the use of this Government, in France, or England, and your suggestions would have met the entire approbation of his Excellency the President, had it not been determined to relinquish, for the present the purchase of those supplies; in fact, the President never intended, that those purchases should at any one time, have exceeded for the Army, fifty or sixty thousand Dollars. — The last Congress made no appropriation for the purchase, of munitions of war, nor passed any act, in relation thereto, but under the apprehension of invasion, when the Mexican Army under Arista, was on the Rio Grande, after the dispersion of the Federalists, the President had resolved to act on his own responsibility, all danger or prospect, of invasion, having been removed; he considers it obligatory on him, to revoke the instructions, forwarded to you, from the War Department, — and has instructed me to inform you, that it is his wish that there should be no purchase made until you shall receive further advices, from this department. — I sincerely hope, you and Mr Burnley will be successful, in negotiating the Loans our Currency is in a most depressed condition rating from six to seven for one. — We have however the most cheering prospects, of the most abundant grain crops — I have taken some pains to obtain the best information as to the amount of Subsistance that may be depended on, in the different Sections of the Republic, over and above, what will be required for the use of the present population, and the result has been, that of grain, there will be from four to five times as much, and of Pork three. I have every confidence in this estimate approaching very nearly, to accuracy, the embarrassments of the planting interest, in Mississippi and Alabama, has thrown amongst us since you left us a large amount of Slave population, and it will still continue to flow in, and must result, most beneficially for us. — I wrote to you from the Seat of Government, some time ago requesting, that you would use such means as might be in your power, to ascertain the feelings of Spain, on the subject of recognition of our Independence, This Government is very desirous, of forming friendly relations, with Spain; and hopes you will be able, so to represent us, as to promote our wishes on this subject.

I am, Sir, with the most sincere respect
your obedient Servant
Abner S. Lipscomb

[Margin: To Genl Hamilton / Sundry matters — purchase of arms — The Loans — the prospect of crops — Spain.]

Galveston 6th June 1840

Richard Pakenham Esq.

Sir

I have had the honor to receive from Mr Treat two documents addressed to you from Mr O'Gilvy the first in relation to his claims, as an assignee of an Empresario Contract, and the second as Agent of the heirs of Dr Grant, I regret my inability to afford you as satisfactory information on the first as I could wish from the circumstances of my receiving Mr Treat's letter after I had left the Seat of Government — I am therefore, deprived at this time of the advantage, of a reference to documents in the State Department that would perhaps be important in explaining the nature of Mr O'Gilvy's claim, I will however state that by the Colonization laws of Mexico, previous to the Revolution; no Empresario Contract, could be assigned the Co.

[Margin: To Richard Pakenham relation to British claims]

143 implying a personal trust, In some cases it is true, the Government permitted Substitutes. It does not appear that Mr Ogilvy was ever received by the Government of Tamaulipas, as the Substitute of Mr Bangs the Empresario— It will further appear by a reference to the laws of Mexico that none but citizens could hold land If Mr Ogilvy has any claim, for recompense from the fact of his being prevented from fulfilling any Contract by the action of this Government. The courts of the Republic are open to him for the establishment of his rights Several Empresarios have set up claims on this ground, and an act of Congress makes a provision for those claims, by authorizing a suit to be brought against the Government, and a full judicial investigation, to be entered into. If the contract was legal, and the party British Claims. prevented from complying with his contract, there can be no doubt, the Court will award to him a just compensation. Mr Bangs is a citizen of this Republic, and Doct Grant &c. was at the time of his Contract, if one was made, a citizen of Mexico, and it is not probable that the Government would have received as a Substitute a foreigner not naturalized— If however Mr Ogilvy has any well founded rights, he need be under no apprehension of an honest or just judicial investigation of those rights, the courts of justice here have too strong a sense, of right to refuse a faithful administration of the law to every individual who presents his claims within their portals.—

On the subject of the claims of the heirs of Dr Grant it is to be regretted that Mr Ogilvy had not presented the whole case to Mr Packenham— If he had done so, it would have been placing his unreasonable pretentions at once, in so clear a light, as not to admit of a moments consideration. The truth is, that Dr Grant was an officer, in the service of the Texan Government when he was slain, and no mans memory is held in more respect by the people of this country than his— that his heirs have large and well founded claims for land in this Republic, there is no doubt, and there can be none, as to there being sustained, without the Agency of Mr Ogilvy.— Dr Grant on entering in the war, made a will appointing a Mr Toler a respectable citizen of this Republic, and Mr Grant his brother in Scotland, his Executors, the former has had the will duly proven, and is qualified as Executor, and is now making progress in the settlement of the Estate. Mr Grant has never come to this Country should he do so, the law will allow him, to join Mr Toler in the Administration, but until he gives (Bond and Security) and takes the Oath for the faithful discharge of his duty as Executor, Mr Toler will have the sole management of the affairs of the estate, he has given bond and security as required by law, and there can be no doubt, that the interest of the heirs of Dr Grant will be faithfully guarded by him— I have the honor further to acknowledge, from Mr Treat a copy of a communication from you to him, on the subject of the claims of certain of Her Majesty's Subjects, arising out of the detention of the Eliza Russell, and for the capture of a part of the Cargo of the Little Penn.— On the subject of the capture and the detention of the Eliza Russell, I believe that an appropriation was The Eliza Russell & Little Penn. made by the last Congress for payment, but not at this moment, having the benefit of access to the law, I am not able to speak definitely in relation to it— I consider however that it cannot afford any further grounds of difficulty, and it shall receive my earliest attention, on my return to the Seat of Government. As to the claim of the Messrs. Lizardi & Co. for part of the Cargo of the Little Penn— I had not received any information whether the Capture, being made, from the flag of Mexico would sustain its legality need not be discussed until we are advised more particularly of the circumstances under which the Capture was made, but I can assure you, that it will at all times afford to this Government great pleasure to redress any wrong that any of Her Majesty's subjects may have received, at the hands of any Agent or officer of this Government This Government is so sensible of the friendly offices, you have as the Representative of her Majestys Government been disposed to extend, to us, that we never would hesitate promptly to meet by amicable adjustment, every obligation imposed by the laws of nations, I would however respectfully suggest, that for the purpose of collecting

and arranging testimony, that it would perhaps, greatly facilitate, a correct conclusion on the subject, that an Agent in New Orleans should be charged with the investigation, on the part of the claimants, or that it should be transferred to Washington, and submitted to the management of Her Majesty's Minister resident there, and Mr Bee the minister for this Republic. = I would suggest, that one of these alternatives, should be adopted, for convenience as the Agency of Mr Treat is special, and limited, and the means of communication between ^Her Government^ this Government is so precarious, as to be productive of great delay, on my return to the Seat of Government, I will with pleasure, communicate any additional facts, in relation to the subjects embraced in this letter, that I may be able to obtain. —

I with great pleasure avail myself of the present occasion, of expressing the great and sincere respect, with which I have the honor to be, your

Very Obedient Servant
Abner S Lipscomb

Galveston City 16th June 1840

To

General Canalis

Sir

To General Canalis

The undersigned Secretary of State for the Republic of Texas has reason to believe, that two men, deserters from the Texan Schooner San Bernardo, have been and are now concealed at the Camp of certain individuals, who have entered into the Federal Mexican Service, and supposed to be under your command, you will fully appreciate the delicacy and forbearance of this Government in remaining passive, whilst such an assembling of men are making within its jurisdiction, but you must at the same time be sensible of the unpleasant consequences that would inevitably result, from any attempt to encourage deserters from our service, or to afford them any aid in concealing themselves, after they have so deserted. — It is therefore confidently expected that you will use such means, as will be effectual to prevent any inducements being held out to deserters, and for the delivering up all such as have deserted to Lieutenant Williamson of the Texan Navy. — The two men were seen, I am informed in the camp to day about nine O'clock One of them is of the name of Sampson, he was a Quarter Master, is about twenty eight years of age light hair fair complexion prominent nose, about six feet one inch high raw boned, and of an Athletic form. — The other is named Samuel Guddasleeve, he is about twenty three years of age, long dark hair, handsome face of a youthful appearance, about five feet nine inches high dressed when he deserted in Sailors cloths. — It is probable that ~~some~~ ^these men^ will change their name, and otherwise disguise themselves, but they can readily be identified by Lieutenant Williamson. — I trust you will cause every facility to be afforded to prevent any collision on this subject.

I have the honor to be with great respect
Your obedient Servant
Abner S Lipscomb

Office at T. Robinsons Esq
June 21st 1840

To

Hon George H Flood Charge d'Affaires
from the United States

Sir

I have the honor to acknowledge the receipt of your note of this morning asking to be informed at what time and place it would suit my convenience to receive your letter of credence as Charge d' —

of the United States to this Republic. It will afford me great pleasure to receive you at my office to day at 12 o'clock.

I have the honor to be with great respect
Your obedient Servant
Abner S. Lipscomb

To Messrs
Genl Jas Hamilton & A. T. Burnley

Galveston City
7th July 1840

Gentlemen

I have no special instructions from his Excellency the President to communicate to you since my last. But as it may possibly have some influence in your agency, I have thought you should be advised correctly as to the present position of this Country, So many rumors have been afloat, and so many imprudent and erroneous news paper publications of invasion from the Mexicans, and of Texan armaments for offensive operations, that it may well distrust, and shake the confidence of those, who knew nothing from a more correct source, of the true posture of our affairs. We have been in the receipt almost every week, for the last six or seven months of rumors of an invasion from Mexico headed by Arista. and these rumours have come to us with all the appearances of being authentic, when at the same time we have been fully advised of the total inability of the Mexican Government to cross the Rio Grande in any force, that could give us any trouble. These rumors have been generally traced to the federalists, and their friends fabricated with the evident object in view of drawing an army of Texans to the west, knowing that from the restless disposition of our people, and their innate love of enterprize, they could not be restrained, from crossing the western boundary in great numbers, and joining them against the Centralists the President had baffled all these attempts to be drawn into offensive measures, and succeed in preventing any excitement, or calls upon our people, for a force, to repel, such threatened invasions. But a short time after he left the seat of Government for this place, a similar rumor reached, that of invasion with an extensive coalition of Savages in conjunction with the Mexicans, this rumor seemed to have had so much the appearance of authenticity that it effected a call, from the War Department of a levy en masse of our militia west of the Trinity, with the exception of the Gulf Counties. This was a source of much uneasiness to the President, as he believed the rumor was another phantom, from the same fruitful source, that had already proved as prolific as Banco's. He counteracted its effects as far as practicable, and the militia have been disbanded, before much inconvenience or expense had been incurred. We are now satisfied that his conjecture was correct, after the defeat of the Federalists last Spring, Canales their General came to the town of San Antonio but before his arrival, the military commandant at that place was instructed; to inform him that personal protection was all that he could expect from us, that our Government would not recognize him in any official character whatever. That in the event of an invasion, we would not permit another flag than our own, on this side the Rio Grande that in that event, if himself and his dispersed followers, took part against the invaders, it must be under our flag and under the orders of our officers. They are entirely dispersed, but in considerable numbers, and could be made strong very easily, by affording them a rallying point. The leaders still appear to be sanguine of ultimate success, and are unremitting in their efforts, to induce our Government to aid them, to effect this, they are ready to grant whatever we could ask, we have rejected all these overtures. "The State of Yucatan is entirely free and independent of the Republic of Mexico, and opposed to the Constitution of twenty four, they have not only driven out every Soldier of the Mexican Government, but have also the entire Command

Marginal notes: To Messrs Hamilton & Burnley relative to the supposed invasion by the Centralists &c. — Militia called & disbanded &c. — The Federalists their prospects &c.

of the Gulph, the Government not being able to send out a single vessel of war against them. The rumor communicated, by the favor of Genl Hamilton of the 3rd ult which I have the honor to acknowledge as coming from the Consul of the U States at Liverpool. I am inclined to believe, had some foundation in truth. It is probable, that the Mexican Government, did at one time contemplate making a sudden decent on our coast, and particularly on this place in the hope of taking us by surprize, deluded in false security by their pretended moderation and willingness to enter into amicable discussion with Mr Treat. It was no doubt believed by the Government of Mexico, that our shipping was in a dismantled condition, and incapable of making any resistance. But before the arrival of the Argyle, she found that she had neither crops, nor money for the enterprize. That she may now show a willingness to negotiate in good faith is quite probable, but I have no doubt, that it was commenced by Mexico in bad faith designed to delude us into a false security until circumstances enabled her to act against us efficiently, a part of our fleet, it has been thought advisable, to send down into the Gulph, principally with a view of ascertaining the feelings of Yucatan towards us, but under express orders not to act offensively, nor to appear before the Mexican Ports in a way to create, any uneasiness on their part until, further orders. The situation of the Government of Yucatan. It is believed required the measure. Remote from the City of Mexico, strong within herself, possessing more seamen, than the ballance of Mexico besides, and the entire command of the Gulph, and at no time yielding more than mere formal submission to the Mexican Government, it is not probable, that she will ever again acknowledge even a modified dependence on the Mexican Government. It therefore became important that we should as early as possible, understand, whether we are to be considered by them, as friends or enemies, we have reason to hope, from their declaring against the federal Constitution of twenty four, that they will not be disposed to indulge an unfriendly feeling towards us. The wild Prarie Indians continue to commit their thieving depredations on our frontiers, but such is the continued tide of emigration flowing in, that there can be no doubt, that ere long the wild Indians will be driven so far north, as to give us no further annoyance. Our crops are already made, and never was the Delta of the Nyle more productive in corn, than our virgin Texan soil, in cotton, grain, and stock we cannot be rivalled, and all we want is peace with Mexico, the Loan, direct trade to Europe, and we then become the most prosperous people on the globe.

With sentiments of great respect
I am Gentlemen
your very Obdt Servt
Abner S. Lipscomb

Matters gen-
nally

Department of State
City of Austin 8th Aug 1840

Hon. B. E. Bee

Sir

Your despatches of the 24th Apl, the 1st May, and one from Mr. Amory Secretary of Legation of the 8th May, have all been received. The whole of the correspondence, between your predecessor, Genl Dunlap, and Mr Forsyth, had been received at the date of my last to you, and it was from the whole view of that correspondence, that I expressed my regret, that the Hon Secretary of State for the United States had betrayed a hasty feeling, not altogether consistant with his usual liberality, and the very friendly relations subsisting between the two Governments. But as the subject is now at rest it is not the wish of this Government, that it should be revived, I intimated as much in my despatch of the 31st of April, in which after alluding to a rumor, that the Grand Jury

To B. E. Bee
on sundry
matters,
Capt. Moore,

of New York had ignored, the Bills against Capt. Moore, and others said, "if this be true, I presume the subject will be permitted to rest." After such an intimation I did not presume you would feel authorized, to recur to the subject, in your correspondence with the Secretary of State of the United States, unless forced into it by some act of his Government, although you do not seem to have felt, the intended force of the expressions used by me, I am pleased that your own good judgement conducted you to a conclusion, that meets the entire approbation of this Department. On the subject of Genl Hendersons arrest in New York on his return from his mission to France, although there may be no mode, pointed out by the Laws of the U. States for the punishment, of the author of such an indignity offered to the Minister of a friendly power whilst passing through her territory.— Yet it is nevertheless a violation of the principles, if not the acknowledged rules of international law, and it ought not to be past over in silence by our Government, We have no disposition to create a difficulty on the subject.— But the United States Government, should be informed, that this Government deprecates the future recurrence, of a similar outrage, on the feelings and dignity of one of her Ministers.— Since my last to you, circumstances have transpired, that renders it necessary that I should again reiterate, my last instructions to you, and that you should particularly call the attention of the Government of the U States to the subject of inroads, and depredations, committed by certain Indian tribes, belonging to that Government, on the property and lives of the citizens of our Government.— Mrs Webster who with her two children were taken prisoners by the Comanche's, when her husband, and his party were killed, made her escape in the Spring of this year, and her way into San Antonio, reports that she had once before made her escape, from her Captors.— and had arrived within thirty miles of this place, when she was recaptured by the Caddo Indians.— and delivered up to those who had first taken her, by them, she reports that there were Kickapoos, Shawnees, Cherokees, and Choctaws, and a considerable number of Negro slaves, men women and children, from the United States, with them Caddo's. That on the approach of Spring most of them retired up the Brazos as they said to make corn.— The Caddo's are believed to be pensioners of the United States that they receive their regular annuities, and that they are thus furnished with the means of conducting their own hostile operations against us, and likewise supplying the Comanche and other wild Prairie Indians, with arms & ammunition and receive in exchange, stolen horses.— It is rumored that the Caddo's are not even required, to present themselves within the United States, to receive their annuity but that it is sent to them, within our boundary, by some one representing them It is confidently hoped, from the known, honor and fidelity with which the United States Government has always been signalized, in the performance of all her engagements with other Governments, that she will take some effectual means to arrest those grievances, should these Indians be encouraged by indulgence, to hold out inducements, to the slaves from Texas and the United States to take refuge among them, and join them in their marauding parties, the evil in its progress may become very serious to the Southern U. States.— I am fully aware of the difficulty, if not impossibility of preventing hunting Indians from passing any line of longitude or latitude, in an uninhabited Country, but they might be instructed not to approach in their hunting expeditions within some hundred miles of our settlements.— If the annuities were with-held from them, until they gave satisfactory assurance of conducting themselves, peaceably, and in subordination to the stipulations of the Treaty between this Government and the United States, It seems to me, that they could by such means, be restrained.— I have no doubt there is a great political excitement at this time in the U States, and that it will continue until the Presidential election. I need scarce admonish you of the necessity of your carefully refraining from taking any part in the strife, or manifesting any interest in the contest I know how very difficult it is for a native of the United States to separate

Northern Indians

himself entirely from their party contests, and be a mere looker on, yet it is very proper that you, as the Representative of an Independent Government, should occupy precisely that position.= This is important to our maintaining, that elevated rank, with other nations, to which fortune has so far, favored, us; other nations must have no just grounds of supposing that a feeling, for the mother country, exerts an undue influence, over our Councils, and public men; we must show them, that we cherish; an independent Texan feeling, to whatever country we may owe our birth.=

I am, Sir, with great respect
Your obedient Servant
Abner S Lipscomb

Department of State
City of Austin 15 Aug 1840

To
Genl James Hamilton &
A T Burnley

Gentlemen

To Hamilton & Burnley an account of the Indian depredation upon Linnville &c

There is great difficulty in procuring funds for the Salary of Mr McIntosh, who is the acting Chargé d'affaires, for this Government, near the Government of the King of the French. He is entitled to the Salary of Chargé d'Affaires, say five thousand Dollars per annum, since Genl Henderson left. If you can by negotiation raise the amount, and have it paid over to him, you are authorized, and requested so to do.= I wish you to write to him on the subject, I am apprehensive he may have suffered some inconvenience, for want of funds. We have had within the last few days considerable excitement here, occasioned, by a very daring decent made by about four hundred Comanche, Warriors, on Lynns landing a place much used as a deposit, for goods, designed for this place, and the Towns south west of this.= They succeeded in passing down the Prarie, from the mountains, between the Colorado, and the Guadaloupe, and plundered the two Store Houses at the landing of some twenty or thirty thousand dollars worth of merchandize, and killed some of our Citizens there, as well as some in the Vicinity of Victoria.= The militia turned out with great promptitude from the adjacent Settlements, and a party of about two hun=dred from this County, Bastrop and Gonzales, under Genl Felix Huston and Colonel Burleson had the good fortune, to intercept them, about thirty five miles from this place, and recovered all the Spoil, and chastised them very severely, entirely dis=persing them.= This destruction at Lynnville, will probably be magnified much in the newspapers.= But although it was a bold enterprize, on the part of the Indians, when the circumstances are correctly known, its importance diminishes very much, Lynnville or Lynns landing, as it is usually called, is at the head of the Labacca Bay, where there were two Store Houses, and some half dozen families, giving a population of about thirty persons: a considerable quantity of merchandize were generally deposited there, until it could be transported in waggons to the different points of distribution, and some supplies for the Government had in the course of the Spring been received there though none were there at the time of the attack. The Indians no doubt informed by the Arkansas traders, of the fact of the probability of making rich spoil, and encountering, but slight resistance, from the few persons residing there, and the facility afforded by the Praries for a retreat.= The severe lesson they have received, it is believed, will prevent a similar enterprize.= It is thought that they killed but few persons, as most were able to make good their retreat, to the Boats on the Shore, we have recovered from the Indians the Books of the Custom House which they were conveying to the mountains.= It is rumored and believed that there has been a Revolution in the city of Mexico in favor of the

Constitution of Mexico, is on foot Arrea is at the head of affairs I do not put implicit Confidence in the truth of this rumor, but from the unsettled condition of the Country, and the firm resistance, with which the State of Yucatan withdrew from the Central Government, I am prepared to look for the result reported, to have occurred, we are all anxiety to hear from you

I have the honor
Gentlemen to be with great
respect, your obt Servt
Abner S Lipscomb

Department of State
City of Austin 15th Aug 1840

George S McIntosh

Sir

To Geo. S. McIntosh relative to his pay

Such has been the difficulty in procuring funds for this Department, that I have not been able, to cause the necessary remittance to be made to you, I exceedingly regret that it has been so, and very much fear that you may have been subjected to some inconvenience for the failure of this Government, to make advances to you, I have written to Genl Hamilton and Mr Burnly, on the subject, and sincerely hope, they will be able, to make the advances due to you — You will be entitled to receive the pay of Chargé d' Affaires, from the time Genl Henderson left, Genl Hamilton & Mr Burnley will advise you, in what manner, you can draw for the money, and I trust you will not be delayed, much longer, in the receipt of money, that ought long ago, to have been paid

I have the honor to be
Very Respectfully
Your obt Servant
Abner S Lipscomb

Department of State
City of Austin 15th Aug 1840

Genl James Hamilton &
A T Burnley

Gentlemen

See page 148, this Letter is recorded there.

There is great difficulty in procuring funds for the salary of Mr McIntosh, who is the acting Chargé de Affaires for this Government near the Government of the King of the French — He is entitled to the salary of Chargé d' Affaires, say Five thousand Dollars, per annum, since Genl Henderson left — If you can by negotiation, raise the amount and have it paid over to him, we are authorized and requested so to do — I wish you to write to him, on the subject, I am apprehensive he may have suffered some inconvenience for want of funds — We have had within the last few days considerable excitement here, occasioned by a very daring descent, made by about four hundred Comanche Warriors, on Lynns Landing, a place much used, as a deposit for goods, designed for this place, and the town, South west of this — They succeeded in passing down the Prarie, from the mountains, between the Colorado, and the Guadaloupe, and plundered the two Store Houses, at the landing, of some twenty or thirty thousand dollars worth of merchandise, and killed some of our Citizens there, as well as some in the vicinity of Victoria — The militia turned out with great promptitude from the adjacent Settlements, and a party of about two hundred from this county, Bastrop and Gonzales, under the command of Genl Felix Huston, and Col Burleson, had the good fortune

to intercept them about thirty five miles from this place, and recovered all their spoil, and chastised them very severely, entirely dispersing them.= This destruction at Lynnville, will probably be magnified in the newspapers.= But although it was a bold enterprize on the part of the Indians, when the circumstances are correctly known, its importance diminishes very much, Lynnville or Lynns landing, as it is usually called, is at the head of the Lavaca Bay, where there were two Store Houses, and some half dozen families, giving a population of about thirty persons, a considerable amount of the Merchandize were generally deposited there, until it could be transported in waggons to the different points of distribution.— And some supplies for the Government had in the Course of the Spring been received there, though none were there at the time of the attack.— The Indians no doubt were informed by the Arkansas traders of the fact of the probability of making rich spoil, and encountering but slight resistance from the few persons residing there.= And the facility afforded by the Prarie for a retreat.= The severe lesson they have received, it is believed will prevent a similar enterprize It is thought that they killed but few persons, as most were able to make good their retreat, to the Boats on the Shore, we have recovered from the Indians the Books of the Custom House, which they were conveying to the mountains.

It is rumoured and believed, that there has been a Revolution in the City of Mexico, in favor of the Constitution of twenty four, that Urea is at the head of Affairs, I do not put implicit confidence in the truth of this rumor, but from the unsettled Condition of the Country, and the non resistance with which the State of Yucatan, with drew from the Central Government, I am prepared to look for the result reported to have occurred, we are all anxiety to hear from you

I have the honor
Gentlemen to be with
great respect Your obt Sert
Abner S Lipscomb

In the name and By the Authority
of the
Republic of Texas

Hamiltons Commission to treat with Holland

To all to whom these presents shall come or may Concern — Greeting, Be it Known that I, Mirabeau B. Lamar, President of said Republic of Texas, reposing Special trust and full Confidence in the honor patriotism fidelity Skill and Capacity of the Hon James Hamilton, do by these presents Constitute and appoint him the said James Hamilton Commissioner or Agent on the part of the said Republic of Texas, to meet and Confer with any Commissioner, Agent or Minister, which may be duly appointed and authorized by His Majesty the King of Holland furnished with equal powers and authority, and with him to treat Consult and agree of and Concerning Commerce, Navigation and Amity between the two Countries, and of all matters and subjects Connected therewith, and to conclude and sign a Treaty or Treaties, touching the premises transmitting the same to me, or my successor in office for final ratification, by and with the advice and consent of the Senate of the said Republic of Texas. Giving and hereby granting to him the said James Hamilton, full power and authority as such to exercise and discharge all and singular, the duties, obligations and trusts to his said office, in any wise appertaining, by the Constitution and Laws of this Republic.

In testimony whereof I have caused the great seal of the Republic to be hereunto affixed.

Given Under my hand at the City of Austin this Fifteenth day of September in the year of our Lord One thousand Eight hundred Forty And of the Independence of the Republic the Fifth.

D. G. Burnet

By the President (Acting)

Abner S. Lipscomb
Secretary of State

Department of State
Republic of Texas
15th September 1840

To
Hon. James Hamilton

To J Hamilton forwarding Commission to Treat with Holland

Sir

Agreeable to your request, of the 6th June last, just received, the President has directed me to forward a Commission Authorizing you to form a Treaty, with the King of Holland. — I have no Special instructions to give you, in relation to the provisions of such Treaty as you may be able to make, but depend on your sound judgement and known prudence. —

I have the honor to be with great Respect your obt. Servant
Abner S. Lipscomb

Department of State
Austin 19th Sept 1840

To Col Bee relating to the appropriation for running of the boundary line

Sir

The Boundary line Commissioner Mr Smyth, is at this time in Austin, and says that in consequence of the appropriation for carrying on that work being exhausted and no appropriation upon which to draw for that purpose, he thinks it will not be possible to proceed with it, at the time agreed on, between him and the Commr on the part of the United States which was the first of Nov: But as Congress meets on the first Monday of that month, and the question will doubtless be among the first taken up, and an appropriation for completing it made. He thinks it advisable that you should inform the U S Govt, if in case he should not be present at the appointed time, of the cause of his detention; but will so soon as he is provided with means proceed immediately to the point of destination, which will be at farthest the 1st Decr. But if the Com. and Engineer of the U.S. think fit, to be meet at the time fixed on, to make observations and satisfy themselves as to the point for starting, they can do so, as an Engineer and Surveyor are remaining there. The President instructs me to inform you of these facts, that you may, if in your judgement you deem it proper, lay them before the U.S Govt, in order that there may be no disappointment on the part of their Commrs by being delayed at that point, and that he may be instructed not to be there until 1st Decr instead of 1st Nov. — It is very much regretted that so much delay has occurred in running this line, much solicitude is felt on the part of this Govt to have it completed. — The President has been very ill since his return from Galveston, he is now convalescent but weak. — Judge Lipscomb is absent, and will be gone two or five weeks.

I have the honor to be, Sir
Your obt Servant
Joseph Waples
Actg Sec of State

To
Hon. B E Bee
&c &c &c

Department of State
Austin 30 Sept 1840

(Hon B E Bee

To Col Bee relating to claims of Citizens of Texas for property stolen by the Cherokee Indians. –

Sir

Herewith enclosed are Statements of Citizens of Texas for losses sustained by them during the Spring of 1839. for horses stolen by the Cherokee Indians, These Statements have been made and testified to as per direction of your predecessor of 27th March 1840 you will lay them before the Government of the United States, in order that they may be duly attended to and inform this department as early as practicable of the result, as the parties concerned are anxious to know it. – The Presidents health is yet feeble, it improves but slowly. We have no news of importance, Mr. Starr has resigned as Secy of the Treasury

I have the honor to be
With Respect
Your obt Sevt.
Joseph Waples. Actg Sec State

Republic of Texas
County of Fannin }

10th July 1840

Affidavit of the correctness of the claims above referred to.

I, Thomas McFarlane an acting Justice of the Peace in and for said County certify that Joseph Daugherty, Isham Davis, John Davis, John Hamon, Vance Simmons, George W. Duncan, John Duncan, and Daniel Rowlett this day personally appeared before me, and after being duly sworn deposeth and saith that on the first day of May 1839 they and each of them with several other men, left their homes in said County in pursuit of twelve mares and horses which had been stolen from the immediate neighborhood in which they lived on the preceding night, that after tracking said horses a few miles, the trails all came together, near Red River in said County, from which place said horses were tracked in various directions, on the South side of Red River about twenty miles, that they then crossed to the North side of Red River, that they then tracked said horses on the North side of Red River from said crossing about one hundred miles, when on the fourth day they run down and retook one of the mares, that had been thus stolen, that they then pursued the trail of said horses to a point within forty miles of the Indian Agency near Fort Smith, at which point said deponents turned back, and further saith not, except George Hamon, John Hamon, and Isham Davis who still pursued said horses, and the said George Hamon and Isham Davis deposeth and saith, that at or within two hundred yards of the house of Hors-track a Cherokee Indian who lived on the east side of Arkansas River, they found one of the mares which had been thus stolen and a young horse said mare was fast hobbled, Andy Law another Cherokee informed said deponents that said horses had been carried to the east side of Arkansas River, and crossed at the houses of The Crow and Horsetracks, said deponents then started to the Agency and met with Sam Hicks the Capt of the Light Horse who described said horses having seen them at a Grocery a small distance from where he lived, said Hicks informed said deponents, that said horses had been stolen by Tentaga, Bird, Crier the Nettle and other Cherokee Indians – I also certify that Thomas S Smith and William Cattle this day personally appeared before me and after being duly sworn, deposeth and saith, that in the morning of the first day of May 1839, they personally and severally saw a bay mare the property of George Duncan which had been shot the preceding night with Indian arrows in a cornfield horses run which one of the twelve horses above recorded to be stolen, that said mare which had been thus wounded died of said wounds early on the first day after she had been wounded – I also certify that the above named George Hamon & Isham Davis deposeth and saith that at the place on the east side of Arkansas River near the house of Horsetrack where they found the mare and young horse they also saw a horse, the property of Israel Gattis of said County which had been stolen

from said neighbourhood in said County about the 1st Feby 1839, with three other horses the property of Parker McFarlane and Black.

Sworn to and Subscribed before me this day and date first above written

Saml. McFarlane J.P.

Joseph Sagerty (L.S.) Isham Hart (L.S.) John Harris (L.S.) John Hammon (L.S.) George Hammon (L.S.) G. W. Duncan (L.S.) John Duncan (L.S.) H. Bartlett (L.S.) W. J. Smith (L.S.) Wm. Smith (L.S.)

Affidavits of sundry persons establishing the claims of Citizens for property stolen by the Cherokee Indians

Republic of Texas
County of Fannin

I Joseph Murphy Chief Justice and Notary Public for said County certify that the persons whose names are subscribed to the depositions contained on the three preceding pages, namely Joseph Sagerty, Isham Hart, John Harris, John Hammon, George Hammon, G. W. Duncan, John Duncan, H. Bartlett, W. J. Smith, William Smith are citizens of said County of honesty and truth, and that Samuel McFarlane who certified to said depositions having been sworn to and subscribed before him, is an acting justice of the peace in and for said County, and that due faith and credit is due, and ought to be given to all his official acts as such. In testimony whereof I have hereunto fixed my hand and private seal, there being no seal of office provided this 25th day of July A.D. 1840

J. Murphy Chf. Justice F.C.
and ex off. Not. Public

Republic of Texas
County of Fannin

I Samuel McFarlane an acting Justice of the Peace in and for said County do certify that Jabez Fitzgerald and Greenberry Kerr personally appeared before me this 10th day of July 1840, and after being duly sworn impartially to appraise certain horses of the number alluded to in the foregoing depositions, return the following appraisement for the horses therein described, that is to say. Edmond H. Hodds Clay Bank horse $80. John R. Garnetts Sorel mare $120 R. H. Parkers Brown horse $80. Mc Fares Admr. of J. Jones deceased Bay horse $115 H. Bartletts Black & Brown horses $153. Amounting in all to five hundred forty six dollars.

I also certify that John R. Garnett, and Isham Hart personally appeared before me, and after being duly sworn, to impartially appraise certain horses alluded to in the foregoing depositions return the following appraisement for the horses therein described that is to say George Hammons Gray mare $55 George Hammons two Bay mares the one Stolen the other Shot $250 John Harris's Bay horse $120. Amounting in all to four hundred and twenty seven dollars, or the whole amount in value of the nine horses stolen in the night of the last day of April 1839, and the one killed on the same night to be nine hundred and seventy three dollars.

Subscribed, and sworn to, before me July 11th 1840

G. Kerr (L.S.) Jabez Fitzgerald (L.S.) John R. Garnett (L.S.) Isham Hart (L.S.)

Republic of Texas
County of Fannin

July 10th 1840

I Samuel McFarlane an acting Justice of the Peace in and for said County Certify that John R. Garnett and Isham Hart this day personally appeared before me, and after being duly sworn, to impartially appraise the four horses stolen from said county about the 1st February 1839 alluded to in the foregoing depositions, return the following appraisement for the horses therein named that is to say. John L. Blacks Sorel horse $135. Israel Yelltes Sorel horse $110. Saml. McFarlanes Sorel Horse $120. Seth Parkers bay horse $75. Amounting in all for the four horses stolen

about the first of Feby 1839 to four hundred & forty dollars

Signed) John R Garnett (L.S.)
" Isham Davis (L.S.)

Republic of Texas
County of Fannin

I Samuel McFarland do Certify that the foregoing appraisement was subscribed and sworn to before me this 11th day of July 1840

(Signed) Saml McFarland

Republic of Texas
County of Fannin

Joseph Murphy Chief Justice and Notary Public in and for said County Certify the three several appraisements returned by, and subscribed to by ... Fitzgerald John R Garnett and Isham Davis as they severally appear Certified have been subscribed by Citizens of honesty and fidelity and that Samuel McFarland whose name appears to said Certificates is an acting Justice of the Peace in and for the County of Fannin, and that due faith and Credit is due and ought to be given to all his official acts as such; In testimony whereof I have hereunto set my hand and affixed my private Seal there being no seal of Office provided, this 28th of July A D 1840

J Murphy Chf Jus F. C. T.
Ex off. Noty Pub

... hereby certify that J Murphy whose name is subscribed to ... the 28th of July 1840 ... Chief Justice & Notary Public duly commissioned as such ... County of Fannin Republic of Texas, and that full ... 1840

...

Republic of Texas
Department of State
Austin Octr 12th 1840

To
Wm Lemon (?) ...
relating to ...
the Case of ...
John Taylor

Sir

I am requested by his Excellency the President to transmit to you ... communication ... relating to the ... John Taylor ... have requested ... 1836 and ... leaving the State to ...

...

I am Respectfully &c

Jas Mayfield (?)
acting Secty of State

... London

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Republic of Texas
Executive Department
City of Austin 15th October 1840

To Lord Russell. Relating to the case of [illegible] John Taylor for having [illegible] of color [illegible]

My Lord.

[illegible] but it affords me great gratification [illegible] to your Lordship the [illegible] Our Declaration [illegible] Slavery, the [illegible] article in the [illegible] our Constitution [illegible] that all persons of color [illegible] to Texas [illegible] State of servitude [illegible] of the person holding said [illegible] suggest to your Lordship [illegible] persons indentured for years [illegible] this emigration to this [illegible] by a desire to correct an apprehension in relation to our young ~~Government~~ institutions and so far as in connection will go to vindicate the innocence of one of her Britannic majestys subjects with great Consideration

I have the honor to be
Your Lordship's [illegible]
Obedient Servant
[illegible] Lamar

To the right Honorable
Lord John Russell
Secy of State for the Colonies

Republic of Texas
Department of State
Austin 18th of November 1840

To Wm Barron Relating to Jno Taylor

Sir

Agreeable to the request of John Taylor Esqr, of Barbadoes, I herewith transmit the evidence of Joseph Grigsby, and Augustus B Warden, with a copy of the original contract between William Morre and said John Taylor, relating to certain persons of color; with the certificates of the properly authorized persons to take evidence

I have the honor to be
Your Obt Servant
Abner S Lipscomb
Secretary of State

To
William Barron Esqr.
London

Affidavit Relating to the case of Jno Taylor & certain free persons of color.

Republic of Texas }
County of Travis } On this the thirteenth day of November One thousand eight hundred and forty personally appeared before me James W Smith Chief Justice and Exofficio a Notary Public for the County and Republic aforesaid, and made oath on the Holy Evangelist of Almighty God, that in the month of May 1836 Three Negroes subjects of Great Britain indentured Servants of Mr John Taylor of Barbadoes Named Samuel Redman, Henry Small and William Thomas, were left in the care and possession of deponent, and that he believes said Taylor never exercised Ownership over them Otherwise than as indentured Servants, and said Negroes have since that time been held by deponent as the agent of said John Taylor as such Servants, with the understanding that he would deliver them up to said Taylor whenever called for. And about the month of February last Commander Hamilton of Barbadoes, made a demand upon deponent for said Negroes, When they were given up to him, and he is fully aware that none of said Negroes were ever sold in Texas as Slaves or held as such,

Joseph Grigsby

Sworn to and subscribed before me in the City of Austin and Republic aforesaid — In testimony whereof I have hereunto set my hand and affixed my Seal of office on this the thirteenth day of November in the year one thousand eight hundred and forty, and of the Independence of Texas the Fifth

J W Smith
Ch J Travis Co

Affidavit Relating to Jno Taylor & certain free persons of color

Republic of Texas }
County of Liberty } Whereas by an order from his Excellency Mirabeau B Lamar President of the Republic of Texas, received through the Department of State under date of the tenth day of October Inst, directing me the undersigned, to take the deposition of William Moore of this County, or that of any other person having a knowledge of any facts relative to Certain Negroes named William Gunsil and Edward Whittaker, owing allegiance to the Government of Great Britain, who were left with the said Moore by one John Taylor during the Spring of 1836; and to ascertain whether said Negroes were sold and held as Slaves by the said Taylor or of any other person &c &c &c &c. In obedience to which I George W Miles chief Justice and Exofficio a Notary Public in and for the County aforesaid, have caused Augustus B Hardin of said County of Liberty, to be and appear before me for the purpose of giving his testimony touching the matters aforesaid, and he being by me duly sworn upon the Holy Evangelist of Almighty God, deposed and said, that in the month of May or June A D. 1836 William Gunsil, and April Sashly, two Negroes brought to this Country by John Taylor as stated by them, Came to the House of this deponent in the County of Liberty, and wished to hire themselves to this deponent to work upon his plantation. Deponent further saith that he refused to hire the said Negroes; unless they would indenture themselves to him for a term of years, that one of them, viz, April Sashly did indenture himself to this deponent for the period of time that he the said April might remain within the limits of this Republic, and that the other, viz, William Gunsil after remaining one or two months at the plantation of this Deponent, left, as this deponent believes for the City of Galveston.

Deponent further States that

previous to the said April and William coming to his plantation that he saw them upon the Natchez in the County of Jefferson, that they had the Complete Control of their own acting, and that he deponent never knew any person or persons to use, claim or exercise any right of ownership as slaves over them. — and further Deponent saith not

A. W. Cardinal

Sworn to and subscribed before me in the Town of Liberty County and Republic aforesaid. — In witness whereof I have hereunto set my hand and affixed my seal of office on this the thirty first day of Octo in the Year 1840 and the Independence of the Republic of Texas the fifth.

Geo W. Miles
C J C L
and Ex officio Not. Pub.

(Copy)

Agreement between Taylor & Ames relative to certain free persons of color

Know all men by these presents that we John Taylor & Thomas G. Ames late of the Island of Barbadoes, have Contracted with Certain Men of Color (viz) William Gunsil [illegible] Richardson and Edward Hicks (renewed such contract here) to [illegible] for [illegible] as our indentured Servants, in the Consideration that we [illegible] their expenses to this Country, and the pay them [illegible] dollars per annum for the time of their servitude have bargained and sold said Contract with said Negroes to William Moore of this Town, and do obligate said Negroes to serve said Moore in the same manner they were to serve us, and do warrant said indentured servants to be good property, during the term of four years to said Moore, the Consideration for which we have sold said Contract being five hundred dollars in cash the receipt of which we do hereby acknowledge to us in hand paid. in the Town of Georgia on the Natchez River in the presence of the undersigned witnesses the 28th day of May 1836

(Signed) Witnesses
Thos. M. Duke
Joseph Grigsby
Geo Ewing

(Signed) Taylor & Ames
pr John Taylor

Republic of Texas }
County of Liberty } Before me Geo W. Miles chief Justice and Ex officio a Notary public in and for the County aforesaid, personally came and appeared William Moore of said County to me known, and he being by me duly sworn deposed & said that the within Contract is a true and Correct Copy of the only contract ever entered into between this deponent and John Taylor in regard to William Gunsil, Echo & Whittaker & Edward Hicks men of Color further deponent saith not

Wm. Moore

Sworn to and subscribed before me on this the second Nov in the year one thousand eight hundred and forty (1840) and of the Independence of the Republic of Texas the fifth. — As witness my hand and seal of office at Liberty date above written

Geo W. Miles C J C L
and Ex officio Not. Pub.

To— Mr Flood — Relating to the arrest & surrender of a certain person charged with committing a crime in the U.S.

Department of State
Austin City 13th December 1840

Sir

I have the honor to acknowledge the receipt of your Note of this date, enclosing, the Copy of a letter from, a citizen of the, United States, and enquiring whether, I considered, that the Courtesy of friendly Nations, would authorize, an arrest and, the Surrender, of the person Charged, in the case presented, by the Copy of the Letter enclosed, I have the Honor to beg Mr Flood to be assured, that it will at all times afford, this Government, much pleasure to extend to the utmost limits, the Laws of National Courtesy, to the Government of the United States, But, that the case presented is not believed, on the most liberal Construction to Come within, any acknowledged rule.— It does not appear, that any Offence Criminal in itself, has been Committed by, the person Charged, but, that both, would be clased as Mala prohibita if however, the Offence Charged had been per se Criminal, the Letter of Mr Wagnor, would not have been Sufficient evidence, to Justify, a Warrant of arrest, and an Order, to Surrender him, an Exemplification of the Record, duly authenticated, would be required.—„—„ I have the honor to be, With great Respect

Your Obedient Servant
Abner S. Lipscomb

Hon Geo H Flood
Charge d' affaires
from the United States

To— N Amory forwarding certain drafts and other matters

Department of State
Austin 5th of Jany 1841

Sir

I have the honor to acknowledge the receipt of yours of 30th November on yesterday and hasten to Comply with the request therein, and herewith send you two drafts one for thirteen hundred and seventy six dollars, it being for your last half years Salary and Contingencies ———————— of the legation for the year 1840. and one for One thousand dollars, for your Salary for the half year to 18th June next, which I hope will safely arrive and that you may succesfully Negotiate them, this being the only means at present by which to furnish you par funds.— With regard to the State papers of the United States I am requested by the President to say that you need not purchase them, that in the present depreciated State of our Currency, and Judge Webb having quite a number of such books on hand, and at the Service of the Department, and also, that Mr Flood has been kind enough to offer the Department free access to his Library, he thinks at the present time it would be impolitic for us to incur any additional expenditures upon the Government more than is actually Necessary. I am also instructed by the President to say that he very much regrets the Continued absence of Col. Dee from Washington City, and that during the Session of Congress there, his presence is indispensable.— — — I am also instructed to say that this Government does not intend at present to make any further overtures to Mexico, therefore the Services of the Gentlemen you recommend as Agent will not be required.— Gen Lamar has been absent from the Seat of Govmt since the 15th Ulto. by leave of Congress, to go to New Orleans for Medical attendance, Judge Burnet as Vice President performs the functions of President. With great Respect I am your Obedient Servant

Signed Jos Waples
acting Secy of State

To)
Nathaniel Amory
Secy Texas Legation
Washington City

Republic of Texas
Department of State
Austin 29th January 1841

To-
Col. Bee
forwarding 5 Consular Certificates with instructions &c &c

Sir,

I have the honor to enclose five Consular Commissions, viz. Francis Gurney Smith of Philadelphia, John H Brower New York, Moses Patten Bangor Maine, Benjamin Drake Cincinnati Ohio and Calvin C Jackson Detroit Michigan, all of which you will have made public according to due form.... Mr Smith, Mr Brower, and Mr Drake I have instructed to call on their predecessors for laws, instructions and such other materials as may be in their possession belonging to the Consular office; to the others Mr Patten and Mr Jackson I have said they will be furnished by you, which you will please have conveyed to them if possible, as it is almost out of the question for us to get any thing of the kind to them from here..... Mr Brower is appointed to fill the place of A W Radcliff Esqr. who has been removed on account of numerous complaints against him, he has been informed of his removal.

Our Congress proposes to adjourn on the first prosimo: but as they have so much unfinished business before them, I think they will have to reconsider their resolution, they have done but little yet of importance: they now have the finance question before them which creates considerable debate, the propositions are, first to refuse to take the promissory notes and Bonds in payment of any Government dues - 2nd to receive nothing but Specie or notes of Solvent Banks of the U. States for impost duties, and to reduce the direct Tax to one half of the present rate, and require Specie, or take the promissory Notes at their Current value in N. Orleans for that part of the revenue - which of these projects will pass tis difficult to tell - The Treaties with England and Holland have been ratified by the Senate. Judge Lipscomb has resigned:- his place not yet filled rumor says Judge Geo. W Terrell will succeed him.

With great respect, I remain
Your Obedient Servant,
Joseph Waples
Acting Secty of State

Hon.
Barnard E. Bee
Charge 'd' affaires
&c &c &c

Department of State
Austin 28th January 1841

To-
Geo H Flood
forwarding copy of Treaty between France & Texas

In compliance with the request of the Hon. Charge d'affaires of the United States, the undersigned acting Secretary of State of the Republic of Texas, has the honor to furnish him a copy of the Treaty of Commerce and Navigation between the Republic of Texas and Great Britain.

The undersigned avails himself of this occasion to give to the Hon. Charge d'affaires assurances of his high Consideration.

Signed) Joseph Waples

To the Hon.
Charge d'affaires
of the United States

Department of State
Austin 2nd February 1841

To Geo H Flood concerning the Convention between Texas and G. B— consequently

The Undersigned acting Secretary of State, acknowledges the receipt of the Note of the Hon Geo. H Flood, Charge d'affaires of the United States, requesting a Copy of the Convention between the Kingdom of Great Britain and the Republic of Texas. It would afford the Undersigned great pleasure to comply with the request, but as the Convention has not yet been made public, he will have to defer it for the present, but will so soon as circumstances will admit take pleasure in complying with the request.

The undersigned begs leave to assure the Hon Charge d'affaires of the Continuance of his regard and Consideration.

(signed) Joseph Waples

To
Hon. George H Flood
Charge d'affaires
of the United States

Department of State
Austin 3rd February 1841.

To Geo H Flood relating to Convention between Texas and G. B

The Undersigned acting Secretary of State of the Republic of Texas, is constrained to express both his regret and surprise, at the "disappointment" which his note of yesterday has occasioned to the Hon Mr. Flood, Charge d'affaires of the United States.— The Hon. Charge d'affaires has certainly given a latitude to his conjectures, unwarranted by any thing that has transpired from this Government, when he was led to believe "that the interest of his country is involved in the Stipulations of England and Texas".—

The Undersigned is instructed to say to the Honorable Mr Flood that whenever the President shall deem it expedient and consistent with propriety, to give publicity to the "Conventional Treaty between the Kingdom of Great Britain and Texas" the Charge d'affaires of the United States shall be furnished with a certified Copy of it.

The undersigned repeats his sentiments of distinguished Consideration &c. &c.

(Signed) Joseph Waples

To
Hon. Geo. H Flood
Charge d'affaires
of the United States, to the Republic of Texas.

Department of State
City of Austin Feby 12th 1841

To Gen Hamilton Fowarding different treaties and Commission as Minister

Gen. James Hamilton

Sir. Herewith you will receive through Mr Ikin the Treaty of amity and Commerce between this Government and that of the United Kingdom of Great Britain and Ireland, as also the Treaty with the King of Holland and likewise the Conventional Treaty having for its object, the mediation of England in a settlement of our protracted and embarrassing difficulties with Mexico: all of which have received the Constitutional sanction of this Government, and only a proper exchange of ratifications to give to them that validity, and usefulness contemplated by the respective contracting powers. — Accompaning these are transmitted your Commission as Minister plenipotentiary, and Envoy extraordinary near the Co-

Certain instructions

St James, together with the necessary letters of Credence to faciliate you in affecting a speedy exchange of ratifications of the respective Treaties. The President instructs me to urge you to avail yourself of the earliest opportunity in concluding all the formalities essential to the entire validity of these Treaties, as it is deemed that it will have a salutary effect on our relations foreign and domestic. The President likewise instructs me to intimate to you, that it would perhaps be premature to open any negotiations with the English bond holders, for a sale of land in Commutation of the debt this Government may assume under the Treaty, until the views of the Government of Mexico are definitely known.

In the absence of Gen Lamar, and the press of business incident to the adjournment of Congress, the President has not had time to call a Cabinet meeting touching the contents of your letter relative to the English Bond holders, but will do so at the earliest possible period when you will be furnished with ample instructions on that subject.

The recent attempt of Mr Saligney Charge d'affaires of the King of the French, to get a grant of three Millions of acres, with the privilege of establishing fortifications from the Rio Grande to Red River, makes it a subject of some delicacy whether foreigners shall be allowed to hold lands in this Country in large and connected tracts, many objections to which must obviously present themselves to your mind. allow me to refer you to Mr Shin for all information relative to the acts of last Congress.

With Sentiments of respect, I am, respectfully
Your Obedient Servant,
Jas S. Mayfield

P.S. We have no facilities here for getting the Treaties bound, you will take care to have them neatly put up and bound in velvet, as your taste and judgment may dictate.

Respectfully
J. S. M.

To Gen Hamilton relating to the President's absence. —

Department of State. City of Austin
Feby 12th 1841

To
Gen James Hamilton

Sir — You will notify the Minister of foreign affaires at the Court of St. James, of the united Kingdom of Great Britain and Ireland: that in consequence of the protracted ill health of the President, and his having obtained leave of absence from Congress to visit the United States to obtain medical aid, that the duties of the Chief Magistrate under the Constitution has devolved upon the Vice President. You will also Communicate this to such of the European Courts to which you may be accredited

Respectfully. Your Obedient Servant
J. S. Mayfield

To Queen Victoria giving information of the appointment of Gen Hamilton Minister to England —

David G. Burnet
President of the Republic of Texas

To
Her Majesty
The Queen of the United Kingdom of Great Britain and Ireland.

Great and good Friend

I have made choice of General James Hamilton to reside near your Majesty in quality of Minister Plenipotentiary and Envoy extraordinary of the Republic of Texas. He is well informed touching the relative interest of the two Countries, and of our

sincere desire to enlarge and perpetuate the friendship and good correspondence between us, and from a knowledge of his fidelity, probity and good conduct, I have entire confidence that he will render himself acceptable to Your Majesty, by his constant endeavours to preserve and advance the interest and happiness of both Nations.

I therefore request Your Majesty to receive him favourably and to give full credence to whatever he shall say on the part of Texas; and most of all when he shall assure you of our friendship and wishes for your prosperity: and I pray God to have Your Majesty in his safe and holy keeping.

Written at the City of Austin this 8th February Anno Domini One thousand eight hundred and Forty one.

By your Friend

David G. Burnet

To — Minister of foreign affairs of the Netherlands giving informat. of the appointment of Genl Hamilton Diplomatic Agent —

Department of State
City of Austin Feby 12th 1841

James S. Mayfield Secretary of State, of the Republic of Texas, to His Excellency the Minister of foreign affairs, of the Kingdom of the Netherlands. ——— His Excellency the President of the Republic of Texas, has appointed General James Hamilton diplomatic Agent of the Republic of Texas to the Government of the King of the Netherlands, with authority to exchange the ratifications of the Treaty made between the two Governments.... He is well informed touching the relative interest of the two Countries, and of our sincere desire to enlarge and perpetuate the friendship and good Correspondence between us, and from a knowledge of his fidelity, probity and good Conduct, I have entire Confidence that he will render himself acceptable to you, by his endeavours to preserve and advance the interest of both Nations......

I therefore request you to receive him favorably, and to give full credence to whatever he shall say on the part of Texas, and most of all when he shall assure your Government of our friendship and good wishes.

I avail myself of this occasion, to assure you of my great Consideration and respect

James S. Mayfield
Secty of State

To Geo H Flood Relating to an indictment against McQueen

Department of State, City of Austin
February 12th 1841

Sir,

I am instructed by the President of the Republic of Texas to acknowledge the receipt of your Note of this date, enclosing a copy of an indictment in the United States District Court for the Eastern District of Louisiana against William McQueen for being a defaulter, and embezzlement under the Sub-treasury act, as Post-Master at New Orleans of the United States of the North.... I have the honor to beg that Mr Flood be assured that this Government feels every disposition to extend to the fullest degree the rules of international Courtesy with the Government of the United States of the North: but that this Government can see no sufficient reason for departing from the rule laid down in the Note of the Hon Abner S Lipscomb late Secretary of State relative to the case, mentioned bearing date the 13th of December A.D. 1840, to which I would respectfully refer the Hon Chargé d'affaires of the United States to the Republic of Texas.... I am further instructed to say that the avowal of the Executive of the United States of the North, that "he is not empowered to deliver Criminals to foreign Governments in the absence of Treaty stipulations to that effect, would of itself preclude this Government from delivering to the authorities of the United States the individual in question, so long as the Republic of Texas shall act upon the principal of full reciprocity".... I am instructed, nevertheless to assure the President of the United States, that the Government of the Republic of Texas, in the absence of all Treaty stipulations to that effect, feels an anxious desire, to extend every friendly courtesy

Consistent with rules of entire reciprocity and the Comity of Nations: but in such a State of affairs, that She cannot Countenance the establishment of a principle so general in its application, as in the Case of McQueen, who is charged with an offence merely _mala prohibita_

With sentiments of respect, I have the honor to subscribe myself Respectfully, Your Obedient Servant

James S. Mayfield
Secty of State—

To
The Hon.
Geo H. Flood
Chargé d' affaires
U. S. &c.

To—
G. H. Flood
Relating to
Consular Agent

Department of State
Austin Dec 16th 1841

Sir

Your Note of yesterdays date announcing the appointment of a Consular Agent of the United States for the Town of Linville has been received, agreeably to the Consular establishment of the United States, in the general instructions to the Consuls and Commercial Agents—Chapter 2nd, we find. "The first duty of a Consul, on his arrival, will be to transmit his Commission to the Minister of the United States, if there be any near the Government of the Country to which he is sent, to the end that he may obtain the usual exequatur"— And in a letter from Hon John Forsyth to the Hon. Anson Jones (then Minister to the United States) dated 16th March 1839, he says "I take this opportunity to suggest for the information of your Government, that it is "our practice to send the Commissions of Consuls to the diplomatic Representatives of "the United States in the Country where they reside, with an instruction to him to "apply for the exequatur, and when received to forward it with the commission to the "Consul, at his post". This being the established usage of the Government of the United States; The issuing an exequatur upon the mere information from the Consul for the port of Matagorda of the appointment of a U. States, would be a departure from a general established rule, both of the United States and of Texas

With great consideration, I have the honor to be.
Very Respectfully, Your Obt. Servant.

To the Hon
Geo H Flood
Chargé d' affaires
of the United States &c &c.

J. S. Mayfield
Secty of State —

To—
Col Bee
Relating to
the Treaty
between the
U. S. & Texas
and relates
to a Convention

Department of State
City of Austin Feby 17th 1841.

Sir

The undersigned in assuming the duties of this Department found on file several Communications from the Secretary of Legation, at Washington in relation to the unsettled question as to the Construction of the Treaty between the Government of the United States and Mexico: and the obligations of the United States, under that Treaty, to restrain the Northern Indians residing on our borders

The President instructs me to inform you, that in all probability it will be the most advisable to defer for the present any further discussion of that subject: That you avail yourself of the most favorable opportunity to suggest, to the Secretary of State of the United States the importance, and mutual advantages to be derived to the respective Governments by establishing more definitely our relations and intercourse by further Treaty Stipulations— Independent of the high Commercial advantages consequent upon reciprocal Treaty obligations— the Civil and Criminal administration of the laws of the respective Governments would be very much

facilitated properly tempered regulations relative to fugitives from justice, and public defaulters.... It is the Presidents wish in presenting this Subject to the Secretary of State of the United States: that you will respectfully, and zealously urge upon the Government of the United the propriety of clothing the resident Minister of that Government here with power to negotiate a Treaty with this Government; The facts, topography of the Country, and all that appertains to our mutual relations with Northern tribes of Indians it is believed, can be perhaps more authentically obtained here, than at Washington City: Moreover it would be an act of Courtesy at this juncture of our affairs, the tendency of which would inspire renewed confidence in the stability of our relations foreign and domestic. Should the Government of the United States yield to this proposition, it is desirable that the Negotiation should be opened as early in the Spring as possible.... Your dispatch conveying the intelligence that you had represented to the Government of the United States the facts and circumstances connected with the outrage committed on the person of Gen Henderson by his arrest at New York in the latter part of 1839 has been received, and the President instructs me to direct you to continue to represent in the most respectful, but decisive manner the subject to the Government of the United States, in conformity to your former instructions

Herewith you will receive a copy of a communication from Col William N Porter one of the Representatives from the County of Red River giving the evidence of the violation of the Jurisdiction of this Government, an outrage upon the laws and institutions of the same in wholly disregarding the rights and privileges of her citizens compromitting the friendly relations betweet the citizens of the Two Governments residing near the line.... This outrage it is understood was committed by a man named Ferguson a public officer of the United States. The President feels assured that the Government of the United States will take steps to prevent a recurrence of such outrages, and punish the offending officer in the manner pointed out by her policy and laws.... We are in daily expectation of intelligence from Mexico.

With Sentiments of esteem, I am Respectfully your Obt Servt,

Col Bernard E. Bee
Chargé d' affaires &c &c

J. S. Mayfield

To Mr Saligny Relating to a violation of the Laws of Nations by Mr Bullock

Department of State
City of Austin Feby 21st 1841

Sir

I have the honor to acknowledge the receipt of your Note of Yesterday communicating the information of a violation of the Laws of Nations and a disregard of the rights privileges and immunities appertaining to you, in your Ministerial and official capacity by Mr Bullock as it is alledged a citizen of this City, having committed without provocation an assault upon the person of Eugene Plugette a domestic in your employment, and one of your people..... Your Note has been submitted to the President. He regrets exceedingly the occurrences alluded to in your Note, and directs me to assure Mr Saligny Chargé d' affaires of France that he is fully sensible, and awakened to the vital importance of maintaining in this respect most scrupulously and inviolably the laws and usages of Nations: and that the Government of the Republic of Texas, will at all times exercise to the utmost limits, her authority, to bring to punishment, any person who so far forget the honor and dignity of her institutions and laws and the respect due those Nations where friendly relations are established, and who may have resident Ministers here as to violate in any way, the long established rights, privileges or exemptions belonging to public Ministers from abroad, or their family suite, or Servants, or those who in any wise are entitled to participate in the inviolability attached to his public character.. Mr Saligny Chargé d' affaires of France may upon all occasions contemplate with the most entire assurance that this Governm

entertains a lively sense of the necessity of adhering rigidly to those rules of international law, which so distinctly, and justly regulate and mark that intercourse, and comity which so deservedly distinguish all civilized Nations and that the President would witness with peculiar and profound regret any infraction of those well established principles, which might in any possible contingency, in the remotest degree disturb the harmony and friendly relations (and object which Texas will ever foster) existing between this Government, and the Government of France, which Mr Saligny has the distinguish honor so eminently to represent. — Actuated by these considerations, and moved by the reflection that the magnanimity of chivalrous France, induced her, at an early period in our revolutionary struggle to become the first European power to recognize Texas as an independent Nation and entitled to rank amongst the Nations of the Earth. — This too an important step for the interest of the Republic, it is borne in mind was greatly facilitated by the zeal, and interest you so disinterestedly manifested in her welfare, and advancement, in representing so forcibly, and favorably to your Government the resources, of the country, and the moral and physical capabilities of the people for self government. — The President has therefore directed that the proper law officer be instructed to institute an enquiry into the facts, and circumstances attending the occurrence mentioned in your note, and take the necessary legal measures for an examination of the case before the judiciary, and have its action thereon, as may be consonant to the laws and usages of Nations. — The only mode under the constitution and municipal policy of this Government whereby the offending person can be brought to punishment.

In conformity to the directions of the President instructions have been given to the District Attorney Mr Jewett, a copy of which is herewith transmitted. — I beg leave at the same time however, respectfully to call the attention of Mr Saligny Chargé d'affaires of France, to a well established principle, and that the President urged by the most anxious, desire not to see in the least the free and friendly intercourse existing between his Government, and the Republic of Texas disturbed, has given those directions in the premises Nevertheless it might have been urged, upon high authority and the principle acknowledged — that by the usages of Nations, in order to entitle the domestic servants of foreign Ministers to the exemptions, and privileges, a violation of which is made the basis of complaint in this instance it might have been, insisted, that before any such representation could have been entertained — an official list of such domestic servants must first be communicated to the Secretary, or Minister of foreign affaires of the Government to which such Minister may have been accredited.

Accept Sir, assurances of the high consideration with which I am very Respectfully, Your obt Servant.

J. S. Mayfield

To Monsr
A. De Saligny
Chargé d'affaires
of the Govmt of France, to
the Republic of Texas

Department of State
City of Austin Feby 20th 1841

To Mr Jewett concerning the alledged violations of the laws of Nations by R. Bullock

Sir

Mr Saligny chargé d'affaires of France, yesterday, transmitted to this Department a representation that Mr Richard Bullock, a citizen of this City had violated the Laws of Nations by provoking and engaging in an affray with a Mr Eugene Plugette a domestic of his, and one of the people belonging to his house. — The President has directed me to instruct you to institute before the proper judiciary officers, an examination into the affair and adopt such legal measures, in the prosecution of the same, as can be borne

out by the Laws and usages of Nations, and our own municipal policy - - -
It is desirable that the examination be taken in writing - - Relying upon your zeal and integrity in sustaining inviolate the usages of Nations, and the character of our institutions, further, or detailed instructions are deemed unnecessary - - -

I am very Respectfully, Your. Obedient Servant

To
Henry J. Jewett Esqr
Distict Atty &c &c

James S. Mayfield

To Mr Saligny Relating to the alleged violation of the Laws of Nations, by Mr Bullock

Department of State
City of Austin. Feby 22nd 1841

Sir

Your Note of the 21st Inst, in reply to the one addressed to you by this Department of the 19th, I had the honor to receive on yesterday; but owing to the delay of obtaining a satisfactory translation of the same, an earlier answer could not be given - - Mr Saligny Chargé d'affaires of France will accept the assurance of the Texian Government, that She entertains the strongest desire to enforce to the fullest extent her authority to vindicate the laws and usages of Nations, and that She will not be found wanting, in manifesting at all times, a due regard to the sacred and inviolable principles of international law, which the Government of the Republic of Texas, would not, and could not change or modify if She chose - - -

At the same time it must however be borne in mind, that under the constitution and Municipal regulations of the Texan Government, similar in that respect to the Government of the United States of the North - offenders against the public tranquility, or violators of the laws of Nations - are amenable for a transgression of those laws, only under prescribed forms and rules which neither Department of the Government have a right to, or can invade or assume to itself - - - -

The infraction then of the inviolable principles of international law; which is made the subject matter of Complaint in this instance: has by direction of the President, been reffered to the Judiciary, to which it of right, and constitutionally appertains under our constitution - - This is the mode of redress pointed out, and the only one by which a violator of the usages, and laws of Nations under the institutions of this Country can be brought to punishment - The Government of the Republic of Texas therefore in this Instance having directed to the utmost of her authority an investigation into the alledged outrage mentioned in your former note; Congratulates herself that she has done all that duty required, that Chivalrous and magnanimous France could demand; or that a deep & vivid sense of gratitude upon the part of the people of Texas for signal and important benefits Confered could dictate - -

As a further assurance of the interest the Government has taken in this affair, in which it is alledged our first European friend, France has been outraged - I beg leave to refer Mr Saligny Chargé d'affaires of France to the accompanying letter of Mr Jewett, the proper Law Officer, who has as, will be seen in pursuance of instructions from this Department instituted the necessary legal measures for a Judicial examination into the matter - - From this it will be seen, that testimony will be received tomorrow at three O clock, P. M. at the Senate Chamber, when and where it is expected Mr Saligny will cause to be laid before the Hon. A Hutchison one of our District Judges, and a Member of the Supreme Court, any evidence at his command touching the transaction, which is the subject of discussion - - I beg leave to repeat to Mr Saligny Chargé d'affaires of France, that the Government of Texas, will continue to exercise all the authority with which She is constitutionally vested to vindicate the laws of Nations, and maintaining inviolate those usages of international Comity which regulate intercourse of Civilized Nations - I beg to repeat assurances of the high consideration, with which I subscribe myself very Respectfully Your Obedient Servant

J. S. M.

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To Secy of State Relative to the measures adopted to bring Mr Bullock to trial for an alledged violation of the Laws of Nations

City of Austin
Feby 22nd 1841.

Sir

In Conformity to your instructions of the 20th inst relative to an alledged affray provoked and engaged in by Mr Richard Bullock with one Mr Eugene Pluyette, a Servant of the Hon. A. de Saligny Chargé d' affaires of France near the Government of Texas, I have filed an official information concerning the affair before the Hon A. Hutchinson one of our District Judges and associate justice of the Supreme Court of the Republic, as by the law of Nations. Foreign Ministers, their retinue, and suite, are not amenable to the civil or criminal Jurisdiction of the Government, to which they are accredited, I have therefore to request that you would notify the Hon Chargé d' affaires, of this proceeding, in order that he may furnish any testimony in his possession, that he may deem proper, and permit the Member of his household, upon whom the alledged assault was Committed, to appear before the Hon Judge, and give his testimony concerning the offence which has been made the subject of Complaint.

Mr Bullock, the Citizen against whom Charges have been prefered, by the Hon Chargé d' affaires, is cited to appear, before the Hon Judge, at the Senate Chamber tomorrow at 3 oclock P.M. at which time and place, an investigation of the affair will be had, and such proceedings adopted as may appertain to law and Justice.

I have the honor to be, with the highest respect
Your Obedient Servant

Henry J. Jewett
District Atty 3d Jud Dist

Hon
J. S. Mayfield
Secretary of State

To Mr Saligny Relating to trial of Mr Bullock for an alledg outrage

Department of State
City of Austin Feby 23d 1841

Sir

I have just succeeded in procuring a hasty translation of your Note of this date — and would most respectfully suggest to Mr Saligny that under the constitution of this Government, the testimony of his domestic Mr Eugene Pluyette could not be admitted, except in the manner pointed out by law for taking testimony of other witnesses. — The sixth section of our Constitution under the "declaration of Rights, declares that "In all criminal prosecutions the accused shall have the right of being heard by himself or Counsel, or both, he shall have the right to demand the nature and cause of the accusation shall be confronted with the witnesses against him &C."

It follows therefore with whatever offence of a criminal character, an individual may be charged, he is entitled to the forms and mode of trial guaranteed by the constitution, and prescribed by our municipal regulations. — Mr Saligny Chargé d' affaires of France, will perceive then the embarrassment, attending an investigation of the affair complained of, in the event his domestic is not allowed to testify, in the way pointed out by our Laws, The Hon Judge Hutchinson could not admit it otherwise. — In as much then as your domestic is cognizant of the various threats and menace preceding the alledged affray and which tend to aggravate it, is hoped that Mr Saligny will present no obstacle to a full and satisfactory investigation into the alledged violation of the laws of Nations, in the instance complained of. — The Government of Texas having caused the matter to be placed before the Judiciary, the appropriate Department to investigate the same, and pronounce the Law, will not cease to exercise every constitutional function to do Justice — Accept Sir assurances of the consideration, with which I am, Very Respy Your Obt Servt — J. S. Mayfield

Department of State
City of Austin, Febu. 25th 1841

To— Relating to an alleged outrage Committed by Mr Bullock on France

Sir

I have the honor to acknowledge the receipt of your Note of yesterday, and duly Noted its Contents, and the positions assumed by you that there is nothing in common with the laws of Nations, and the Municipal regulations of the Government of Texas. — They leave to repeat that it is most true that the Texian Government could not if She desired it, do any thing to render vain, or nugatory the imprescriptable laws and usages of Nations.

At the same time it is equally manifest that for an infringement upon, or a violation of the laws of Nations within the jurisdiction of the Texian Government that the offender can only be brought to punishment in the manner pointed out by our Constitution and laws; and that testimony relative to any such infraction of the laws of Nations, can only be admitted by the Judiciary, in the forms prescribed by our constitution and Municipal policy.— The subject matter of Complaint having been refered by the Executive to the appropriate Department, the Judiciary the Government had no further Control over the matter, and the alledged offence could only be reached in the manner indicated. — I herewith have the honor of transmitting to you a copy of the report of the Hon Judge Hutchinson to this Department, relative to the Judicial measures adopted by that officer, to bring Mr Bullock to punishment for the alledged offence —

The undersigned confidently entertains the hope that Mr Saligny will see in this manifested every disposition on the part of the Texian Government, to sustain inviolate the laws of Nations, and exert to the utmost her authority to punish any violation of the Same.

Accept assurances of the high consideration, with which I am;
Respectfully, Your Obedient Servant,
James S. Mayfield

To
Mons. A De Saligny
Chargé d'affaires of France
&c &c &c

Department of State
Austin 15th March 1841

To— Mr Saligny Transmitting Memorial of Mr Bullock

Sir

Instructed by the President, I herewith transmit to you the memorial of Mr Richard Bullock a citizen of this City, addressed to his Government, praying for relief, in a controversy existing between him and yourself, it being the only mode of redress left him. The question is therefore submitted to the consideration of Mr Saligny, that he can adopt such measures in the matter, as may be dictated by his good sense of propriety and justice.

The undersigned avails himself of this occasion to renew to Mr Saligny assurances of the great consideration, with which he is respectfully your Obedient Servant.

James S. Mayfield

Department of State
City of Austin Feby 19th 1841

To. Geo H Flood relating to Consul —

Sir!

I have the honor to acknowledge the receipt of your Note of yesterday's date, and therewith the Commission of Henry D Gale Esqr. Consul of the United States, for the Port of Velasco, in Texas, asking that the usual exequatur issue. Herewith you will receive the same together with the Commission of Mr Gale

Very Respectfully Your Obedient Servant

To
Geo. H Flood
Chargé d' affaires &c

J S. Mayfield

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Department of State
City of Austin March 22nd 1841

To
Col Bee
Relating to
opening a
Negotiation
with the United
States relative
to a convention
for the purpose
of forming a
more definite
Treaty between
the two Countries

Sir

Your note of the 26th of January the last dispatch received from the legation, was received about the first Inst. when the return of Gen. Lamar to the Seat of Government and resuming the functions of Chief Magistrate induced me to defer addressing you any further instructions his views were known upon the subject of opening a negotiation with the Government of the United States; for forming a definite treaty of Amity, commerce and navigation, and embracing such other objects as may mutually interest both nations.— It is the wish of the President that you should, without delay represent in the most respectful and urgent manner to the Government of the United States the importance of an early Negotiation relative to the several objects contained in my former note, in which the several matters now under consideration and discussion between the two Governments may be embraced, and definitively adjusted upon principles of entire reciprocity.— It is moreover the Presidents earnest desire, that should the Government of the United States, accede to the proposition to open a Negotiation at this time: that it should take place at this Capital, as early in the summer as practicable; and that the Minister resident here may be charged with the same, should he not be superceded by another appointment.—

You will therefore direct your attention sedulously to this object, and independent of any suggestions that have been made, use such other and further reasons, as your judgment may dictate the most likely to secure this end.— It is important to the United States as well as to Texas that our relations should be more accurately determined, at least so far as our Commercial intercourse and Indian relations are concerned. In the first respect by properly regulated treaty stipulations, many of those apparently unimportant causes, but a frequent source of contention and which sometimes ripen into motives for disturbing the harmony of the two Governments, could be wholy removed; and all local or political jealousies, and animosities engendered, or arising on our respective frontiers obviated or allayed: To wit, the right of ingress and egress with the slaves or body servants of the citizens of either Government should be established.— And by such regulations any conflict of jurisdiction, or violation of the due exercise of it upon the final establishment of the boundary line could be provided against, and means of punishment provided if infringed. The obligations of the respective Governments relative to the Northern Indians would be more specifically settled, in the event of a disposition being manifested by any of their tribes to disturb the peace and harmony of either of the two Governments.—

Our respective frontiers might be prevented from becoming the seat of an extensive system of smuggling alike injurious to the morals of the citizens and the true interests of both Governments.—

These hints are thrown out, that you may fortify yourself with some arguments that might not otherwise occur to your mind; and doubtless you will be able to urge other and more cogent ones, than here indicated; for relying upon your zeal, and the lively interest you have ever manifested for your country, it is confidently expected that you will not fail to impress upon the Government of the United States, the necessity of an early negotiation on this subject—

For whatever motives of policy or reasons may have existed heretofore to suffer our relations, to rest upon the doubtful, and

contested interpretation: of the treaty with Mexico, and the treaty of recognition; our position has materially changed; being as we are, on the eve of carrying into execution our treaties of Amity, Commerce &c. with England and Holland, which may be found to change in some points our former relations with the United States.— Judge Webb will leave in a few days for Mexico.— If you can procure the correspondence between Mr Adams and Don de Onis relative to the boundary in 1818. 19. It is desirable you should send it to him at Vera Cruz.—

I avail myself of this occasion to renew to you assurances of my high consideration and esteem. Respectfully your Obedient Servant.

Hon
Barnard E Bee
Washington City.

J S. Mayfield

Department of State
Austin 29th March 1841

To— Mr Saligny Relating to an alleged attack made on Mr Saligny by Mr Bullock

Sir

I have the honor to acknowledge the receipt of your note of the 25th inst complaining of an alledged attack made on you by Mr Richard Bullock the preceding evening.— It is to me as it is to his Excellency the President a source of exceeding great regret that any Citizen of this Country should so deport himself towards you (whatever reasons, he may have for personal hostility to you) as to give you the least annoyance.— This Government has at all times evinced its willingness and readiness to avail itself, of all its Constitutional powers to suppress such annoyances, and to punish the perpetrators of them.— As an evidence of this fact, I would only call your attention to the past history of the personal Controversy existing between Mr Bullock and yourself.— It seems from your own representations, that this controversy had its origin in your refusal to pay Mr Bullock a bill, which he presented to you for the board of yourself and domestics while you remained inmates of his house; for some time that Controversy was carried on between you as individuals without refference to your diplomatic Character, or any intention on the part of either to refer it to this Government.— — —

It is true that Subsequently in private unofficial conversation with several gentlemen of the Cabinet you mentioned the conduct of Mr Bullock towards you as being insulting and intimated, that if he persisted in it, you should feel yourself Compelled to make a formal Complaint to the Government of his course; but these Conversations were considered at the time, as having been induced more by the very friendly personal relations existing between yourself, and the gentlemen with whom they were had; than by any desire, that those gentlemen should interfere in the matter, farther than to advise Bullock of the impropriety of his deportment, and to remind him of the consequences which a continuance of it might involve, such I believe was the view taken by them of the object of those verbal and private Conversations on your part, and such I know was the desire which they felt, that you should not be subjected to annoyances of any kind, whatever might have induced them, or however trivial in their nature, that they called on Bullock and after representing to him what they then termed the indelicacies of his conduct towards you, went so far as to threaten him with prosecution, if he did not desist from the mention of your name otherwise than in courtesy and respect.—

This course on the part of the gentlemen to whom I have refered, it is believed, had its full effect with Mr. Bullock at the time; and induced him to send his friend and relation, Gen Hunt with whom you were on terms of intimate association to you with a request that your differences might cease, and whatever tendency your answer by Gen Hunt might have had in exasperating him farther towards you, he nevertheless it is believed continued to abstain from all offensive refferences to you or your Concerns until he was repeatedly informed of the destruction of his property in the street

domestics, and as it was said, by your order. He even then (as it is asserted to this Department) abstained from offensive allusion to you, but meeting one of your domestics in the Street, he ordered him to cease from destroying his property, and perhaps threatened him with punishment if he did not, and thus leading to an angry altercation, it finally resulted in the personal conflict between them to which you have alluded in your Note of the 25th Ultimo. -

From all the information which this Department has been able to obtain in regard to this unpleasant affair, it is believed the foregoing presents substantially a true statement of the differences between you and Mr Bullock (without particular refference to the various alledged causes of Complaint which he urges against you) up to the time of your Official Note to this Department of the 19th day of February last, complaining of his attack on your Servant, and demanding his punishment; and to shew the desire which was felt and manifested by the Government, on that as well as on all other occasions to shield and protect you and your household from insult or outrage an order was immediately issued by this Department to the Prosecuting Attorney of this District to institute a rigid investigation into the alledged assault upon your domestic, in order that the appropriate punishment might be inflicted upon the perpetrator; which investigation (notwithstanding the embarrassment thrown in the way by your refusal to permit your Servants to give testimony in the only way known to our Constitution and laws) resulted in binding Bullock to the District Court (our criminal Tribunal) to answer for the offence in a Criminal prosecution. —

In the result of that investigation I entertained the hope and confident belief that you were fully satisfied, and had seen in it reasons to appreciate the sincerity with which this Government is at all times animated in its endeavours to preserve the most Cordial and amicable relations towards the Nation you represent, as well as its desire to manifest towards you personally every Courtesy and respect to which you are officially and individually entitled, nor could a different impression have been produced after your note of the 28th Ultimo, but for the extraordinary and unfounded remarks which in refference to that investigation you make in your last note of the protection afforded Bullock, and of the "inconceivable lethargy" which you impute to this Government in defending you from his verbal aspersions. —

What act of this Government in refference to the Controversy between you and Mr Bullock can have given rise to the assertion that "extraordinary indulgence has been shewn him" or that this Government has "permitted him to vomit every day against the Representative of France the most gross insults, and insulting Calumnies". I am at a loss to conjecture. — If the instituting an immediate and rigid examination into the conduct of the accused, so soon as this Department was officially notified of his having assaulted in a personal quarrel the domestic of the "Representative of France." If a diligent search and enquiry through the evidence to sustain a prosecution against him for the alledged offence, after the "Representative of France," had refused to permit his domestic upon whom the assault was said to have been Committed, to give testimony in support of the charge — and if the urging that prosecution and having the accused bound over for trial at a Criminal Court be evidences of "extraordinary indulgence" then indeed the imputation that this Government has exhibited such to Mr Bullock may be well-founded - but such acts are not what the people of this Country would deem indulgences, and it is easy to imagine that the persons to whom they are shewn would readily dispense with them. —

In relation to the Calumnious expressions which you say Mr Bullock has been permitted to use in refference to you, I have only to remark that this Government keeps no spies to watch the actions or report the street

Conversations of its Citizens; and if it did, it would no doubt be frequently informed of as gross and disrespectful, and indelicate expressions used in reference to the President and every other public functionary, as are charged to Mr Bullock in regard to you.—

These things are to be depricated, but as they are never considered as doing an injury to him to whom they are applied; especially when his deportment is such as not to deserve them, they have not generally been regarded as worthy of Legislative reprehension, so far as to justify a criminal prosecution of them.— But it is emphatically denied that this Government has permitted Mr Bullock to use in refference to you, expressions which were either Calumnious, insulting, or disrespectful.— It has no evidence that such expressions have been used.— Your own information upon the subject some[?] to has been derived from others, who may have misrepresented the facts; for it does not appear in your representation that he has on any occasion used such expressions when addressing himself personally to you; nor does it appear that he had at any time previous to his ordering you not to come on his premises (which is Complained of in your last Note) exhibited towards you personally language or actions which were deemed either menacing or Slanderous.—

In looking over your note, I am wholy at a loss to comprehend the Idea you intend to convey, by the expression that Bullock has been stimulated in his conduct towards you by the incomprehensible inaction of this Government. In what respect has this Government been inactive when you have invoked its interference for protection, either from the senseless words of an irritated man or from an assault upon your domestic? for you do not pretend to say that until the last transaction of which you Complain, he has ever attempted to assault you.— So far from this Government remaining inactive upon the subject, it is believed that it has done more than any other Government ever did and this too entirely with the view of protecting you from what seemed so great an annoyance to you. "the Tavern keeper Bullocks" remarks respecting your want of faith in your private engagements.— Words spoken in refference to a foreign Minister, by a private Citizen, are not deemed Criminal by any writer on the laws of Nations;— particularly if they do not relate to him in his character of foreign Minister, but are applied to him in his Character as an individual; and this Government being aware of the fact and of his inability to punish Mr Bullock for any expression of his in relation to Mr Saligny, growing out of their personal quarrel, procured an act to be passed at the last session of Congress (an exemplified Copy of which has been furnished you) declaring that disrespectful and malicious words spoken of a foreign Minister should be punishable upon Conviction by fine and imprisonment of the individual uttering them. This act as you are aware was passed entirely with a view to the state of things which you then represented as existing between yourself and Mr Bullock, and should at least to your mind, afford sufficient evidence of the disposition of this Government to go as far as any other Nation ever did in protecting the feelings sensibilities of foreign Ministers, as well as their persons and household from outrage.

There is a view which may be taken of this subject which seems to me may have some influence in convincing you that Mr Bullock could not have intended offering an insult to your Government; whatever may have been his intention to you individually.— It is this, Mr Bullock is wholy unlearned on subjects of international Law, and it is presumable that he did not suppose he was offering an insult to France in speaking freely of her representative in his individual Character; especially when he could not have been otherwise than informed, that, that very representative was in the frequent habit not only at his own dinner parties; but in the public streets and grog shops of this City, of speaking in the most opprobrious and disrespectful terms of the Secretary of State the second highest Executive officer of this Government, and one too through whom the whole of his official intercourse with this Government had to be conducted.— If it were not a violation of propriety decorum, and even of the Laws of Nations, for the Chargé d'affaires of France accredited to, and residing near this Government, to vituperate, and abuse in terms most offensive and disrespectful Members of the National Congress, and the se

Executive officer of the Nation surely the "Tavern keeper Bullock" may be presumed not to have known it to be a National offence, when in the indignation of the moment arising from an accumulation of supposed injuries, ventured to express his opinion of the author of those injuries.—

As regards the course of Dr. Chalmers the Secretary of the Treasury in becoming the bail of Mr Bullock, when bound over to the District Court to answer for the offence of assaulting your Servant, I have only to say, that it was an individual act of his own having no connection whatever with this Government. Dr Chalmers is a distant relation of Mr Bullock's lady and has for a number of years been upon terms of the most intimate friendship and association with him, and was induced no doubt by that consideration to do which few gentlemen of this City would have refused, if called upon.— Were you a stranger to the American Character or to the people of this Country, I would think it possible that you might be surprized at seeing an individual holding the high office of Secretary of the Treasury becoming bail for a "Tavern or inn keeper" when bound over to court upon a charge of Criminal conduct; but in this country, and even in the United States (where I believe you long resided) such an act would not be looked upon as so remarkable.— Office here as you well know, does not elevate the incumbent above his former associates, and a "Tavern keeper" may in private circles, and in all social relations, be a fit, and acceptable companion for the President, as well as for one of his Secretaries, and as far as Mr Bullock's Character for general respectability is concerned I believe the time is not very remote, when you yourself, acknowledged him as an associate.— Nor does the charge of having committed an act in violation of Law, and which may subject the perpetrator to a species of punishment, always carrying with it the imputation of infamy; or throw the individual charged beyond the pale of Society, hence a man may somtimes be charged with an offence without weakening his claim upon his friends either for sympathy or support.—

I make these remarks not with the view of justifying the act of Dr. Chalmers in becoming the bail of Mr Bullock; it was an act with which the Government had no concern whatever, and possibly it might never have been apprized of it, but for its attention being called to the subject by your Communications.—

Had the agency of Dr. Chalmers in this matter been in the slightest degree connected with his official duties as Secretary of the Treasury, the President from his ~~warm~~ personal regard for you, as well as his great desire, to manifest on all suitable occasions his sincere wish to cultivate the most amicable relations with France, would have needed no suggestions as to the course which a just sense of duty and propriety directed him to pursue, but he can perceive nothing in a transaction wholy private in its Character and dictated by the recollections and associations of a long and intimate friendship, which would justify him in administering the official reproof which you seem to think necessary on this occasion.—

In respect to the expressions which you charge the Secretary of the Treasury with using in regard to the recent transaction between yourself and Mr Bullock, I have the authority of that gentleman that they are untrue, and I may here remark that the information given you in reference to him may serve as a commentary upon many other communications which you have doubtless received from those whose greatest object, and delight seems to be the production of discords by the propagation of falsehoods; at all events, it is hoped, that the assurance of his never having given such advice as is imputed to him, will be sufficient to relieve your mind from the apprehensions under which it seems to have been laboring since the report

was made to you. — The recent conduct of Mr Bullock in his attack on you, while on a visit to the Hon Mr Flood and family, who were boarding in his house as represented in your note of the 25th Inst, meets the unqualified reprobation of the President and his cabinet, and I am instructed to say (which I do with much pleasure) that this Government will take all necessary measures to have it properly investigated and punished as it deserves. — The prosecuting Attorney for this District is now absent from this city, but is expected to return in a few days, and so soon as he arrives instructions will be given him, to institute forthwith such proceedings as may be required under the Constitution and laws for the attainment of this end. — I am aware that in matters of this kind you assume the position that the Constitution and municipal regulations of one Nation are not to be invoked, when the rights of another are alledged to have been violated in the person of its representative. — It seems to me that it will require but little reflection on your part, to convince you that your views of this subject are incorrect. — It is admitted that the law of Nation is to be resorted to for the purpose of ascertaining the rights and immunities of Foreign Ministers; or for determining what acts on the part of others constitute offenses against them, or the Nations which they represent; but the offence once ascertained, where do you find the rule which provides for the mode or extent of the punishment? It is believed that none such is to be found in the works of any writer on international law, and consequently all Nations are compelled to resort to their own Municipal codes, for the means of carraying out and enforcing within their own territory the provisions of the laws of Nations. — In England and in the United States of America, offenses committed against that Law, would as in this Country be prosecuted by indictment before a Grand Jury, and trial before a Petit Jury; and although I do not profess to be conversant with the international regulations of France, in respect to her judicial proceedings, still I have no doubt, that offences against the law of nations in that Country would be prosecuted before the same tribunal and according to the same legal forms; which would be observed in the prosecution of offences committed in violation of her Municipal Code. — In this Country you are aware we have a Constitution which is the supreme Law of the Land, and that constitution expressly declares that no Citizen shall be punished for any offence, until after a legal trial and Conviction by a jury of his peers; in which trial he shall have the right of being confronted by the Witnesses who testify against him, and of introducing others to testify for him. —

With this constution before us, and with your perfect knowledge, that every officer in the Country from the President down to those of the lowest grade have sworn to support it; you cannot be surprised when I say to you that Mr Bullock can only be tried according to its provisions; and the provisions of such laws as have been made in conformity with it; and the assurance that I have given you, that he will be so tried for the offences alledged against him, ought to be satisfactory to you, and I have no doubt will be to your King and Government. —

These remarks are called forth from the extraordinary allusions contained in your last note in which you mention the inexplicable lethargy of this Government, as well as from the tenor of your former Communications to this Department, in which you allude to this subject, then it was not conceived necessary or incumbent on me to attempt a refutation of the positions assumed, so palpably erroneous in principle, as it was confidently believed, that you would see in the act of this Government, that all had been done consistent with the law and usages of civilized Nations. — Having said this much I might close this communication but I cannot in justice to my own Government, without again adverting to the tone, and temper of your Note, and without recurring to expressions which it is understood you have frequently made in the Street and elsewhere, intimating your belief, that this Government or some of its higher functionaries at least have been influenced in the course pursued in reference to this and other transactions in which you were concerned, by feelings of personal disrespect and unkindness to you, or a want of friendship to your Nation. —

175. In what instance may it be asked, has this Government or its members manifested any other than that of the warmest feeling, and indeed, gratitude for France? or when has the President, or his Cabinet, or the Citizens at large exhibited towards you personally, any feeling other than that of kindness, courtesy, and respect, except in a few solitary instances, when it was known that an exhibition of such sentiments would not be reciprocated on your part? Did the fact of the Secretary of the Treasury when he redeemed three hundred dollars of Counterfeit notes, with a view of relieving your reputation from the injurious charge of having put them in circulation, by passing them to a poor man who had labored for you, ~~and then~~, and then refused to redeem them, manifest this want of friendship to you? Did the fact of the extraordinary bill presented by you to Congress, asking for a grant of three Millions of Acres of land, to be located in strips, on the valley's of our principle rivers, from the Rio Grande, to Red River; together with other extraordinary privileges, passing one branch of the legislature, and coming within a few votes of passing the other, manifest such a feeling? ~~such a feeling~~? or did the fact of this Government permitting your repeated vituperations of Members of Congress, who voted against your bill; and of a Member of the Cabinet, to pass by without reproof, or demanding your recall evince it? I might ask other questions of similar import; but a recurrence to such events is painful to me, and cannot be agreeable to you; and I therefore forbear. If these however and other evidences which you have of the friendly sentiments which have at all times animated the Government and people of this Country in relation to yourself, and the great and Chivalrous nation your represent, combined with the assurances I have given of the sincere wish and intention of the President and his Cabinet to protect you to the full extent of the law, from every species of annoyance, however produced, are not sufficient to satisfy you, and you still desire your passport; I have only to add that they will be furnished you, at any moment you may demand them; and in refering the causes which shall have led to your departure to the justice of your own Nation and to the impartiality of all others, we shall have no reason to fear the award which may be rendered.—

I have the honor to be Sir, with high Consideration.

Your very humble & Obedient Servant

To the Hon

Mons.r A De Saligny

Chargé d' affaires of France.—

J. S. Mayfield

Department of State
City of Austin
March 29th 1841

To Mr Flood relating to the conduct of Mr Pullock in offence to Mr Saligny

Sir:—

The undersigned has the honor to acknowledge the receipt of your Note of the 25th Inst complaining of an "outrage flagrant in its nature and premeditated in its character" as it is alledged, inflicted in the afternoon of the 24th Inst on the "Hon A De Saligny chargé d' affaires of The King of France, whilst in the act of visiting your family" at your lodgings and when within the enclosure of the yard, was rudely and violently assaulted by Mr Richard Pullock of this city.—

From the statements contained in your note; as also from the relation of the affair complained of, as given by Mr. Saligny, in the note which I had the honor to receive from him of the same date the indignity as alledged appears to have been solely directed against the hon. Mr Saligny without refference to Mr Flood or his family

The President however, much he may

regret the occurrence of that evening, and the acts complained of, which for a time might seem to threaten a disturbance of that cordial and harmonious feeling, which he hopes will ever characterise the relations of those Governments, which have given such unequivocal proofs of their friendship and sympathy for the Government of Texas; as the United States and France; cannot conceive nevertheless how the subject can form the just ground of complaint upon the part of Mr Flood. For it appears that Mr Bullock "disclaimed in the most earnest manner, any intention on his part to offer an indignity to the Hon Chargé d' affaires of the United States or his family".

The undersigned regrets that an occasion should have arisen, which could for a moment induced Mr Flood, to feel himself identified or embraced in a question involving alledged outrages, upon the person, and household of Mr Saligny Chargé d' affaires of France; which has grown into a matter of serious complaint, and anxious solicitude.

I avail myself of this occasion to renew to Mr Flood assurances of the great consideration with which I am very respectfully

Your Obt Servant.
J. S. Mayfield

Hon
George H Flood
Chargé d' affaires. U S.

To Mr Saligny
Relating to the alledged insult of Mr Saligny by Mr. Bullock.

Department of State
Austin April 5th 1841

Sir.

I have the honor to acknowledge the receipt of your note of the 31st Ultimo, notifying me of the receipt of my communication of the 29th of the same month; and have deferred replying to the same until this time owing to the difficulty of obtaining a satisfactory translation.

In reply to your late extraordinary note, I have the honor to remark that whatever estimate you may have seen proper to place upon the nature, tone or temper of my last communication; or by whatever character to denominate it, I reiterate it contains assurances; and breathes sentiments of the continued desire upon the part of this Government to cultivate the most courteous, and amicable relations, with the Government of France; as also additional guarantees and assurances that the President and Cabinet would at all times exercise to the utmost the authority of this Government, to have punished all perpetrations of outrages against your person, household, or reputation, and that the necessary legal measures would be taken to insure this end; with the flattering hope, that thereby corresponding and reciprocal sentiments of courtesy, and respect, would be established.

It is a matter of profound regret that the ever prompt steps taken by this Government, to prosecute to the utmost rigours of the law, all alledged offences against the law of Nations, in the instances complained of by you, and the repeated and earnest assurances given of her determination to afford every reparation consistant with the laws and Constitution of this Republic have been so little regarded by, and proven so wholy unsatisfactory to the Representative of the French Nation; whose chivalry and sympathy, was first awakened in behalf our mother country the U S and again signally manifested in countenancing and promptly advancing the hopes and prosperity of the Republic of Texas, her junior daughter. The uniform expression of attachment by the Government and people of this country to his Nation together with assurances as strong as true; of our ardent hope that the most friendly correspondence should ever exist between the two Nations appears to have been lost upon, and unsatisfactory to Mr Saligny. Shall this lead to discord, and distrust between his nation, and ours? we confidently hope, and believe, that for any thing that has occurred, he will not [illegible] it in his power to produce such sentiments, or to jeopardize our Negotiations a[t] Mexico or elsewhere. History bespeaks between the two Governments, an inde

and unshaken bond of union, sympathy, and friendship.—

The threatning intimations contained in your note of the 31st Ultimo, as also the extraordinary and unusual position assumed by you; unprecedented, and without a parallel it is believed, compels the undersigned however painful to call your attention to the true ground you occupy; and the true relations which you bear to this Government.—

In your note of the 25th Ult. advising this Department, of an indignity which you say you received from Mr Bullock, you were pleased to intimate that if this Government did not afford you that prompt, and sumary satisfaction you demanded, that you would be under the necessity of asking for your passport.— after charging the Government, with the most inconceivable letharay in not adopting instantly the most energetic measures for the punishment of the past, and the prevention of future outrages— you further intimate that the Government wanted the ability, or will to afford you that protection due your Ministerial Character.— Neither are wanting: as the assurances, and action of this Government, will shew.—

Your language in part is this, "If I am doomed to be disappointed in this my just expectations, I shall find myself under the painful necessity to beg of you to send me my passport and to quit this Country," what cause could there have existed for anticipated disappointment? In the former instance complained of the alledged offender was promptly, and rigidly prosecuted.—

The President was not able to give you any other assurance than that the alledged offences, should be investigated and punished agreeable to the laws and Constitution of this country, similar in all respects to that of the Government of the United States— and assurances with which you seem to be wholy dissatisfied— and instead of asking your passport, as you said you intended to do, you denounce the communication addressed to you by this Department, in reply to your Complaint of the 25th Ultimo, "a defamatory libel, upon the Chargé d'affaires of France". with other language as uncourteous and unjustifiable as unbecoming the official station you occupy, and add that until you receive the ultimate orders of the King your Master, you will suspend all intercourse with this Government.—

In reply to which I have the honor to state that you can obtain your passport when you choose to demand them; or can remain in the Country, with the exercise of your Ministerial functions suspended in that unofficial Character which you have thought proper to assume.— Inasmuch as you place yourself in the extraordinary attitude, of declining the exercise of your functions as Chargé d'affaires of France, and all intercourse with this Government; as a matter of course your immunities and privileges as such cease, and no further protection can be claimed by you than what the laws extend to her own citizens.—

Having voluntarily changed your relations with this Government by a discontinuance of your connections and intercourse with it, you may rest assured, that in your new position as a private individual the same kindly feelings, and sentiments will be continued towards you which have hitherto been cherished.—

Had this Government nevertheless been disposed, to have avail'd herself of the example of other Nations, or to have acted the least harshly towards you it is believed, and could be sustained upon high authority, and the usage and practice of Nations— that if the President had deemed the interest or negotiations of the country likely to suffer detriment; that he would have been justifiable as well as just to this Government in not extending to you this last alternative; but to have

demanded your recall of your own Government, or to have ordered your departure from the Country.— For it is reported to this Department and that upon the most unquestionable evidence that before you received an answer to your complaint of the 25th ultimo; that you stated "you had prepared a document for the French Minister at Mexico detailing the circumstances of the case complained of which would meet Judge Webb on his arrival", the object of which was to embarrass the Negotiations of our Minister to Mexico, who was to depart in a few days, such a threat and such a line of Conduct requires no comment.— If it were in the power of Mr Saligny to cripple, or to embarrass our Negotiations at Mexico, under the convention concluded with England, it would be unjust, whatever wrongs he may have suffered, & cruel on his part thus to endanger the safety of Judge Webb, for whom he professed the most kindly sentiments of friendship.— Such an interference in our Negotiations with other nations it is confidently believed, would not be tolerated by magnanimous and Chivalrous France— though powerful she is just.—

In concluding this correspondence, I avail myself of the occasion to renew to Mr Saligny assurances of the high consideration with which I have the honor to be Sir

Hon

Very Respectfully, Your Obt Servt

Monsr A De Saligny
Chargé d'affaires of France.—

J. S. Mayfield

Department of State
City of Austin 20th April 1841.

To Col Bee — Instructions relative to Indian relations [illegible] the necessity of urging upon the U S the propriety of forming a more definite Treaty

Sir

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of your dispatch of the 7th of March last, which together with yours of the 25th of January have been submitted to the President for his determination thereon.— For the reasons suggested to you, it was deemed advisable to defer the further discussion of the subject of our Indian relations, and the matters connected with that question until the new administration of the United States came into office: That event having occurred the President wishes you immediately to call the attention of the Government of the United States again to that subject.— By refference to the discussions that have at various periods been held relative to the Treaty of 1831 with Mexico, it will be seen that the United States Government, has uniformly when her interest was involved assumed the position, that that Treaty in all its parts was binding and obligatory upon the Republic of Texas. Without questioning the rules of international law, which could admit of such an interpretation of the Treaty, this Government acquiesced in the position assumed; and in 1838 by a proclamation of the President the provisions of the 5th and 6th Articles of that treaty were declared in force and have been observed by the authorities of this Country to the great detriment of our revenue.—

Under the Construction given by Mr Forsyth to the 33rd article of that Treaty Texas would not be receiving an equivolent, for the sacrifices she suffers in her revenues; by allowing Vessels belonging to the United States to enter our Ports free of Tonage duty.— To arrive at a fair interpretation of that instrument the whole should be construed by its several parts and articles, by which means its true Spirit and intention may be more accurately defined.— It will be found that Concessions, and privileges are Contained in many of its clauses and provisions in many of its articles which there cannot be found a sufficient guarantee: or equivolent secured in the same Article.— This naturally arose from the relative strength, commerce, and political condition of the contracting parties at the time of making the Treaty.— As will be seen by reference to the articles cited.— The United States at the time had an extended commerce, and heavy Shipping. Mexico on the Contrary (and with but remote prospects of improvement) was l in her Commerce, and yet more in her Shipping.— The mutual gu

as to towage and other charges inumerated in the 3th and 6th articles of the Treaty cannot be said to secure to Mexico an equivolent, as it was, apparent, and must for years continue, that the whole trade of Mexico, with the United States upon the Gulf would be carried in American bottoms.—

Again the United States was established in all the Departments of the Government, union and harmony prevailed throughout the whole, with a large standing Army, and an organized Militia, and overflowing Treasury— Mexico on the other hand, was cut-up into political parties, distracted in her Military strength and organization, evidently sought to secure to herself, an equivolent in the 33rd article of the Treaty, for the advantages obtained for the American shipping interest in the 5th and 6th articles of the same independent of those considerations, the United States was bound upon principles of justice aside from any treaty stipulations upon the subject, to guard the Government of Mexico, her citizens, or territory from hostilities, or incursions from those various tribes of Indians, which by her policy she was establishing on the immediate borders of the latter— Taking this view of the subject, which it is believed is the just one, supported by the relative military, and political position, of the contracting parties, as well the natural and political obligations reciprocally resting upon both parties, it is difficult to conceive how the words of that instrument can admit of the construction given by Mr Forsyth, or in what respect the Executive of the United States is wanting "the legal power to check or restrain by force the voluntary and peaceable Migrations of Indians" &c

The 33d article imposes several distinct obligations, and embraces as many distinct stipulations— It is first agreed "that the two contracting parties, shall by all the means in their power maintain peace and harmony, among the several Indian Nations who inhabit the land adjacent to the lines and rivers which form the boundaries of the two Countries." This first stipulation, of itself implies too plainly to be misunderstood, the exercise of Military force, should it become necessary to answer the objects contemplated" peace and harmony among the several Indian Nations who inhabit &c by all the means in their power. which become unnecessary words unless forced for the accomplishment of the end sought could be resorted to.—

The next clause of the article however it is believed leaves no room for a doubt, or obstacle in the interpretation, or just understanding and intention of the two contracting parties relative to the obligations reciprocally imposed by that article; for as will be seen it is further stipulated; "The better to attain the objects of maintaining peace and harmony" &c. both parties bind themselves expressly to restrain by force all hostilities and incursions, on the part of the Indian Nations living within their respective boundaries," Here then is an expressed and palpable stipulation of the most sacred and binding character, as between Nations, to reciprocally, not only to restrain by force all hostilities, but incursions "Voluntary and peaceable" or of whatever kind, of the Indians living within the respective boundaries of the two Nations, If such a restraint is not held over the Indians belonging to the United States; it may be asked, in what manner can that Government fulfil the obligations imposed by that Treaty if binding between the Government of the United States and the Republic of Texas, when in the same article under discussion they bind themselves "not to suffer their Indians to attack the citizens of the United Mexican States nor the Indians inhabiting their territory" unless by a resort to force to confine them within the limits designated by the former Government or their future abode under the policy adopted by that Government in the removal of the several tribes west of the Mississippi." otherwise the territory of Texas might easily become the hunting grounds of the numerous hordes of Northern Indians

established on our immediate borders through the policy of that Government, and our Citizens an easy prey to the tomahawk and Scalping knife of the restless savage, and their property a luring bait to the enactment of scenes appalling to humanity; and the United States a witness to the scenes and not an arm extended to stay it, because the migration of the Indians to our territory was under the guise of a voluntary and peaceable removal, and that their "nomadic habits, interposed obsticles to the restraining of them within their own territory and the limits designated them. from the well known character of the various Indian Nations, it has long since been amply demonstrated to the american people, that persuasions, and treaties have had but little influence in curbing (with some exceptions) the wild and savage habits of those tribes; and that a ready, or absolute demonstration of force, has alone been adequate to restrain them from predatory warfare, and depreditory incursions upon their neighbors.– All of which considered it is not conceived that the treaty by any construction of language or rules for the interpretation of treaties is admissable of the construction intimated by the Government of the united States.–

The undersigned has been thus full, without resorting to all the arguments that might be adduced which must readily suggest themselves to your mind, as the President is solicitous that the discussion of this question should be definitely determined, and the extent to which the United States will go, clearly ascertained.– It will be recollected that She has on a former occasion in 1836, claimed I believe the right of occupying the territory of Texas with an armed force, in order fully to enable her to fulfil the obligations (as it was alledged) imposed upon her by the article in question.–

The President however with a view to guard against all future contingencies as well as to secure to the Government of Texas a just reciprocity and correspondence in her political and commercial relations, deems it advisable that the necessary preparatory measures should be adopted to put a termination if binding at all to the stipulations of the treaty so far as relates to Commerce and Navigation.– This line of policy becomes the more imperative since the Government of the United States evades as it is believed the plain and obvious obligations pointed out in the 33rd article of the Treaty.– In the opening of Spring we may again expect depredatory bands of Indians from the United States, to prevent which, this Government is not advised that the Government of the United States have taken any precautionary measures. Persuasions have hitherto had but little influence over the Indians residing on our borders.– Besides under the present system, our revenue is materially crippled, and her duties placed upon a basis highly detrimental to the public interest.– In view of all the circumstances I am directed by the President, to instruct you, to formaly notify the Government of the United States; of the intention of this Government to terminate the stipulations of the Treaty so far as relates to "Commerce and Navigation". This notification you will give in conformity to the 34th Article of the Treaty, confining your attention to the objects therein specified.–

The President approves of the correspondence you have opened with the Chevalier d' Argaiz Envoy extraordinary and Minister Plenipotentiary of her Catholic Majesty the Queen of Spain, and desires that you will keep the Government informed of the nature, and Spirit with which the propositions has been received, by the Government of Spain independent of the considerations urged in your communications to the Chevalier d' Argaiz.– Texas would become an active competitor in furnishing to Spain, and Cuba, many of those articles of import which are now monopolized by other quarters of the Globe.

You will receive as soon as the disposition of her Catholic Majesty is ascertained detailed instructions to guide you in a Negotiation alike important to the Commerce of Texas and Spain.– In the mean time you will endeavour to obtain the earliest information consistent with the relations you bear to the Chevalier d' Argaiz.

Herewith you will receive the petition of Doctr

181 of this City relative to the capture of his Negroes. It is believed that the Stipulations of the 33rd Article of the Treaty will cover this case, as by the laws of Mexico Slavery was not tolerated. This subject you will call the attention of the United States to, and urge the propriety of taking efficient measures for the restoration of the slaves mentioned. It will be seen from the multiplicity of cases accruing, giving rise to the mutual interpretation of both Governments, that the Government of the United States will not longer delay entering into a negotiation defining by express treaty stipulations the Commercial and political relations of the two Governments; more particularly when the Treaty alluded to is subject to such doubts, and interpretations as seems to have been placed upon it.

We have received advices from Gen Hamilton to the 3rd March, Judge Webb has sailed for Mexico, and we anticipate that he will receive a favorable reception, and a speedy termination of our difficulties with Mexico. The President will convene Congress about the middle of June; which fact you will communicate as speedily as possible to Gen Hamilton

I have the honor to be with sentiments of regard,

Very Respectfully

Your Obt Servant

To
Col Barnard E. Bee

J. S. Mayfield

Department of State
Austin April 21st 1841

To Mr Amory: instructions relative to urge upon the Govern't of the U.S. the propriety of forming a more definite Treaty

Sir

Intelligence reached us to day of the melancholy event to the United States in the death of Gen William Henry Harrison late President of that Government. In honor to his memory, and to the Government over which he presided as Chief Magistrate only for the brief period of one Month, until death relieved him of his cares; our flag is flying at half mast, and salute Guns are firing every thirty minutes, until sun set. Col. Bee's Letter of April 6th to Judge Burnet mentions his intentions of visiting the South until the extra Session. In the mean time the President directs that you will sedulously urge upon the Government of the United States the necessity of immediately opening the negotiation for a treaty. This Department is not yet notified that the attention of the Government of the United States has been called to the subject. If it is concluded on the part of that Government to open the negotiation at Washington it is important that this Department should be speedily informed thereof, in order that the necessary instructions should be forwarded to the Legation at Washington City.

The reasons that have hitherto been furnished you, together with the reasons connected with the difficulties attending a due understanding of the stipulations of the treaty, will it is hoped, together with such arguments as may naturally be suggested to your mind, enable you to induce the Government of the United States to enter at once upon the negotiation, whereby it is believed our relations can be more satisfactorily determined, and upon principles of entire reciprocity.

In your intercourse with the Secretary of State, you may find it more advantageous, and better calculated to facilitate a determination of the question to seek as often as possible a personal interview, and discuss the question verbally with Mr Webster.

taking care always to reduce to writing the substance of the conversation held at such interviews.

The difficulty of answering or replying to any objections that may be taken, and of discussing the details of any given question by written communications, renders the discussion prolix and tedious; and in this matter it is becoming a question of no inconsiderable importance not only to the agricultural and Commercial interest of this Country, but particularly so, as far as relates to our revenue, and the Indians on our borders.

These remarks are thrown out as hints; as the manner of conducting the discussion of this question must be determined by you. It is desirable that you should not fail to communicate the earliest information of the conclusion of the Government of the United States on this subject.

I am Dear Sir, with sentiments of esteem,
Your Obt Servant
J. S. Mayfield

To,
Nathanl Amory
Secretary of Legation
Washington City

To Mr Jewett instructions to have Mr Bullock brought to trial for an alledged assault on Mr Saligny

Department of State
Austin April 25th 1841.

Sir

Finding that you have returned to the City, it again becomes my duty to call your attention to another alledged violation of the laws of Nations. It appears from a communication addressed to this Department by Mr Saligny Chargé d'affaires of France on the 25th Ultimo, that the evening of the preceding day Mr Bullock of this City committed an assault, as it is alledged on the person of Mr Saligny.

It is due to France and the integrity of our laws that enquiry should be instituted, in the matter complained of, and the facts brought before our Judiciary tribunals and the individual punished as the magnitude of the offence merits. You will therefore take the necessary steps to have the individual complained of prosecuted, and communicate to this Department a report of the final decision and judgment of the Court in the premises

I am very Respectfully
Your Obt Servt
J. S. Mayfield

To,
Henry J. Jewett
Dist Atty.

To Mr McIntosh Chargé d'affaires relating to the recall of Mr Saligny

Department of State
Austin April 5th 1841.

Sir.

Urged by motives of duty to the Republic of Texas, and an anxiety to cherish and cultivate in the fullest manner harmony and good feeling with the Government of France; and to do justice to others, which cannot but be approved by those who are just themselves. The President is constrained to remonstrate against the longer residence of Mr Saligny as the Representative of France, in this country.

The expression of attachment to his Government with which Mr Saligny was welcomed the public and private manifestations of courtesy and respect, which have been shown him; and the long forbearance of this Government, in his gross outrages against all propriety and decorum, and flagrant intermeddling in the foreign and domestic relations of our Country, do not bespeak the reproaches abuse, and reflections intimated in his letters.

And for these things we are rewarded by his taunts and threats of war — by attempts to embarrass our negotiations for peace with Mexico endeavours to excite discord and distrust between our citizens and those

are charged with the administration of our Laws; between the different branches, and officers of Government, between our Nation and his. — It would be a matter of profound regret if any of these things would be found in his power. —

That friendship which has dictated this Government to bear with his conduct thus long, lest the interest of his nation here should suffer injury, will induce the King his Master to replace an Agent, whose dispositions we are constrained to say are such a misrepresentation of the sentiments of his Government; and whose continuance here is inconsistent with order, peace, and respect, and that friendly intercourse which we hope ever to preserve with the Government of France. —

His Government cannot but see that by his course of conduct that his residence longer here cannot be useful to his nation; or compatable with the domestic quiet, and interest of this. — They will perceive, that if Mr Saligny persevere in his machinations; and does not cease traducing this Government, her laws, and instructions, and those with whom he is called upon to have intercourse the consequences will be so hazardous to the harmony and good understanding we wish to exist with his nation and ours — the example so humiliating, and at the same time pernicious that we may be forced to order his departure from the Country. —

He has already seen proper voluntary to suspend his intercourse with the Government, and is, it is understood on the eve of departure for the United States. —

Lay the case before his Government, accompanying it with assurances, that our friendship for the Nation is constant and unabating. — that there is no object which the President and his Cabinet, and the Country at large have always had more uniformly and sincerely at heart than the continuance of a close union and perfect harmony between the two Governments. That faithful to our obligations we have fulfilled them in every point to the best of our understanding and power — that we are ever ready to enter into candid explanations, and do whatever we can be convinced is right; and that in opposing the extravagances of an Agent, whose character seems prone to strife, and contention, and not sufficiently known to his Government, we have been forced only by a sense of imperious duty. .

I have the honor to be very Respectfully Your
Obt Servant

To
George S. McIntosh
Chargé d' affaires &c.

J. S. Mayfield

The following is a memorandum of Letters from Mr Saligny to Secretary of State

First dated February — 19th — 1841
2nd " " 21st
3rd " " 23rd " 24th " 28th
March. 21st 25th 31st —

From Secretary of State to Mr Saligny

First 20th February — from do. to H. J. Jewett 20th Feby — to Mr Saligny 22nd Feby from H. J. Jewett, to Secy of State 22nd Feby. from Secy of State to Mr Saligny 23rd Feby do — 25th Feby. From A Hutchinson to Secy of State 23rd Feby from Secy of State to Mr Saligny 15th March, with Mr Bulloch's memorial — 20th Feby. From Secy to Mr Saligny 29th March do to do 5th April — letter from Mr Sevey and Statement 29th March do from Thomas Gales Forster 4th April letter from Secy of State to Mr Jewett 26th April

Department of State
Austin 3rd April 1841.

Thos G Forster requesting information respecting the conduct of Mr Saligny

Sir,

The relations of this Government with Mr. Saligny has assumed that attitude that it is a matter of some moment, that this Department should have higher authority than the reports of the day, comining in many instances from irresponsible persons, that this functionary has used language, and threats derogatory to the character and interests of this country.

It is understood that Mr Saligny has stated, that he had drawn up a representation intimating the willingness on the part of this Government to Countenance, Mr Bullock, in alledged outrages against him and his household, and an unusual lethargy in using its powers to bring him to punishment, for those alledged outrages, if guilty and that this representation was to be despatched to the Minister of the French Government at Mexico, and would meet, the Hon James Webb, upon his arrival there; who has been despatched by this Government to treat, for our Recognition, of Independence, amity, and commerce, with that Government; thereby tending to cripple the negotiations of Judge Webb, the Envoy Extraordinary and Minister Plenipotentiary of this Government to Mexico, under the Convention concluded with England.

You will confer on this Department a favor, and upon the country a service, by furnishing it, all the information in your possession or that has come to your knowledge, touching the subject mentioned.

I am Sir, with sentiments of respect and esteem, very Respectfully
Your Obt. Servt.
J. S. Mayfield.

To
Thos Gales Forster
Chf Clk War Department

Department of State
Austin 3rd April 1841

Sir,

The undersigned, with feelings of humbled pride and mortification, has the honor to inform you, that owing to untoward circumstances, the Government cannot avail itself of your valuable services at the Court of St. Clouds.

The President regrets, that the absence of Present means, coupled with the embarrassed state of the finances of the country, and the depreciated condition of its currency, together with the present inability of the Government to advance Mr Mc Intosh the arrearges due him, presents an insuperable obstacle to the appointment of any other Minister to that Court at present.

The ardent hope is indulged that the efforts of our Loan Commissioners abroad will meet with success, and that thereby the Government will be relieved from these embarrassments.

With sentiments of high respect and esteem, I have the honor to be,
Your most Obt Servt
J. S. Mayfield

To the Hon
William Henry Dangerfield

Department of State
City of Austin June 3rd 184[illegible]

Sir,

Your letter of the 17th Ult. from New Orleans, on the subject of your contemplated Mission to the Court of St Clouds was received at this Department by the last Mail, and has been laid before the President, who instructs me to inform you, that, in the event of his sending any one to that court at this time, he has another gentleman in view for that Station.

The President at the same time instructs me to say, that this determination not process from any personal objection to you, for whose private and public wor[th] he entertains a high regard, but from reasons of State, which seem to him insu–

Permit me to add my own personal regrets, that you should have been subjected to this mortification, and subscribe myself

Very Respectfully
Your Obt. Servt
Saml A Roberts
Acting Secy of State

To the Honl
William Henry Dangerfield.

Department of State
City of Austin June 15th 1841

Gentlemen

Herewith you will receive a commission appointing you Commissioners on the part of the Government, to accompany the Military expedition about to depart for Santa fé, and of which you will have the chief direction.

This expedition has been organized by the President for the purpose of opening a communication with that portion of the Republic known as Santa Fe, and of closely uniting it with the rest of the Republic, so that the Supremacy of our Constitution and laws may be asserted equally over the entire tract of Country embraced within our limits; But as that portion is inhabited by a people, strangers to our institutions and to our system of Government, speaking a different language, and deriving their origin from an alien source, whose religion, laws, manners and customs, all differ so widely from our own the greatest circumspection will be necessary, in making known to that people the object of your mission, on your first arrival at Santa fé, and subsequently in conducting your intercourse with them.

The great object of the President is to attach the people of the District of Santa fé to our system of Government, to create in their minds a reverence for our Constitution; and to spread among them, a Spirit of Liberty and independence, which will alone qualify them for good citizens, under a Government, the very existence of which, depends upon the will of the people. To this end you cannot exercise too much caution in the conduct, conversation, and general deportment, not only of yourselves, but of the military command which accompanies you. That you will meet with narrow prejudices in the minds of some, and stubborn opposition from others, is not unlikely: It is even to be expected. But it is believed that patience and forbearance on the part of the commissioners, and an uniform gentleness of behaviour, will conciliate at first their good will, and afterwards secure their confidence and esteem, more effectually than any other mode that could be adopted. Upon this head of your instructions, much more might be said; but from the complete knowledge which you possess of the views of the President, and from the very great confidence which he reposes in your wisdom and discretion, it is deemed unnecessary.

Upon entering the City of Santa fé, your first object will be, to endeavour to get into your hands all the public property. You will in all probability find this the most delicate and difficult of all your duties, to perform. Should those intrusted with the care of public property, hesitate or refuse to comply with your demand of possession, you will try all gentle means before resorting to force. persuasion and argument are sometimes as powerful as the sword. and it becomes us to avoid, if possible, the shedding of blood. The people of Santa fé are our fellow citizens; and it cannot be long before they will be fully incorporated with us, partaking of all the advantages and benefits, which we enjoy, under our form of government. Thus there is a double motive presented for persuasive and conciliatory measures. If they can be brought with their own free will and consent, to submit quietly and [illegible] to an[illegible]ration with us, acknowledging themselves a constituent

portion of the Republic, and setting into operation our constitution and laws; then may we confidently expect of them, fidelity and patriotism; but if they are awed into submission by threats, or still worse if they are driven to it by the application of Military power, the disastrous consequences that must inevitably follow, cannot well be foreseen. Too much care therefore, cannot be used in this first step. — the mode of effecting this portion of your duty, must of necessity be left mainly with yourselves. Difficulties and emergencies will arise which cannot be anticipated, and upon which therefore, no specific instructions can be given. Some of the arguments however, which you will urge upon their consideration are these.

First You will assure them, of the protection of the Government in the enjoyment of life, liberty, and property, of the trial by Jury, of their entire freedom from all forced loans, and from all taxes levied without their consent, of the liberty of speech and press, of religious toleration and in short of all the political privileges contained in the Bill of Rights and constitution. On the other hand you will place before their eyes, the folly of offering resistance when it cannot possibly avail them. — Contrast Mexico: feeble, distracted, and continually torn by civil wars and Revolutionary movements — with a load of debt, and no means of paying — with the advantages enjoyed by Texas. — Tell them of the great increase in our population since the Revolution. — Show them the limits of the country upon the map, and tell them with these limits published to the world, we have obtained the acknowledgement of our Independence by the United States, England, France, Belgium and Holland — and assure them of the unalterable determination of this Government to assert and maintain its Jurisdiction over every inch of its soil, and of its ability too, to carry its resolves into execution. — In making known this determination of the Government, you should be particularly careful, not to rouse the jealous pride of the people; and to avoid this, you must keep constantly before their minds, the fact, that they are invited to share equally with us, all the political rights which we ourselves enjoy. It is believed in fact, that this is the hinge, upon which the success of your Negotiations will turn. Let them be convinced, that the equality which we promise is not imaginary. Let them feel and understand, that they are really to be freemen, that they are to be citizens of a Republic, in whose Government, the voice of each one of them, will be as potent as that of the highest in our land — that their representation in our Legislature, will be in proportion to their numbers, which will insure to them, an equal participation in the making of laws for the future, and of repealing such as are now in force, and which may be obnoxious. — Besides these, many other arguments of a similar nature, will readily suggest themselves, all of which should be studiously arranged, to aid you in the accomplishment of your object.

In case all obstacles are overcome, you will after taking possession of the Custom-House, books, money, archives, &c. appoint such persons to conduct the public business, as in your discretion you may think proper, except such officers as may be appointed by the President prior to your departure from this city. In making these appointments, the President instructs me to say, that you will restrict yourselves to the citizens of Santa Fe. — To appoint our own citizens, to fill the public offices among them, would excite in their minds distrust and opposition at the very outset, which would soon ripen into bitter hate and open revolt. — Whereas, if the appointments are confined to their own citizens, and skillfully managed, it is believed, that they may be turned greatly to the advantage of the Government. — an opportunity to promote the public interest, which it is confidently expected, will not be overlooked.

If after you have arrived there, and made yourselves familiar with the condition of the country, the character of its inhabitants &c. you think it advisable, taking all things into consideration, you may recommend, and even urge, them to select from their own citizens, delegates, not to exceed three in number, to be sent to our Seat of Government, during the session of the next Congress, who may from their own personal observation, examine into the operations of our system of Government; and report to their constituents on their return. — Although these delegates will not be entitled to a vote on the floor of Congress, they will undoubtedly be permitted to occupy seats on it, and speak on any subject that may concern them. — It is true that no instance

has occured in the history of the Government; but from the nature, and genius of our institutions, I think you can run no risk in assuring them, that those privileges will be accorded to them.—

One of your Commissioners Col William G. Cooke, will be commisioned to reside at Santa fé, with the title of Resident Commissioner, and will be specially instructed in his duty.—

The foregoing instructions are all based upon the supposition that no force will be opposed by the citizens of Santa fé to your reception in the capacity in which you go— If however, our expectations should not be realized, a case will arise which must be referred almost exclusively to your discretion.—— The President anxious as he is, to have our National flag acknowledged in Santa fé, does not consider it expedient at this time, to force it upon that portion of the Republic— If the Mexican authorities are prepared to defend the place with arms, and if you can satisfy yourselves, that they will be supported by the mass of the people, no good result can come from risking a battle; for if our arms are successful, a strong Military force would be necessary, to hold possession of the place, the cost of keeping which, to say nothing of other objections equally forcible, would of itself be sufficient; and if they are unfortunate, the evils that would flow from it, are sufficiently apparent.— In this case therefore, you will not be authorized to risk a battle

But if you are opposed by the troops of the Government of Mexico only, and the people are with you, or indifferent as to the result, the only question for your consideration will be, your ability to beat them, of which you and the Military officers composing the command must be the sole judges.. But in whatever manner you may get possession of the city, it seems highly probable, that a part of the Military Command which will accompany you, ought to remain there, after you have left;— You will be authorized therefore, to detach such a portion of it, as may be willing, to volunteer for this service; to be placed under the Command of Brevet Brigadier General Hugh McLeod, to whom you will give such instructions as may seem to you best calculated to promote the interest of the country, and the object of the expedition.—

This military detachment will be left, subordinate to the civil authority of this Government, which will be confined to its commissioner Col William G. Cooke, and will at all times be subject to his orders.

You will distinctly understand the position assumed by the Government to be, its right of Jurisdiction.— In all you negotiations therefore, you will not be permitted to entertain any proposition for a Treaty, which brings that right in question— Policy undoubtedly requires that they should be assured, there will be no attempt on our part to change or modify their municipal law, without first obtainning their express consent, But patriotism as certainly requires, that at the very time of giving this assurance, the right of Congress to do so, shall be most emphatically asserted.

As valuable as their trade is considered, and solicitous as the President is, to open its advantages to the citizens of this country, he yet owes a paramount duty to the constitution; and has directed me to instruct you, that you are to make no arrangement, stipulation or agreement whatever, with the inhabitants, for the admission of Texan goods into that District of of Country, by which Texan citizens will be required to pay any duties to them— We claim the jurisdiction, and consequently the right to demand the revenue— and if we cannot enforce our right, we must at least do nothing to impair it— But it is believed, that they will not only be willing, but glad to have the Texan Tariff substituted for the more onerous one of Mexico, and for the purpose of making it more acceptable to them, the collector of the customs will be specially instructed by the Secretary of the Treasury, to modify it in such a manner

as will accomplish this end. — The object of the expedition being to conciliate the people of Santa Fé, to incorporate them with us, and to secure to our citizens, all the benefits arising from the valuable trade carried on with them: It may be necessary to diminish the tariff to a still lower rate to effect these objects, but nothing short of necessity will justify any interference with the rates established by congress, and of this necessity the collector of the customs must be the Judge.

The route to be pursued, both going and returning, will be left to your own determination, and if you should find it expedient or necessary, to visit any of the Mexican Towns within our limits, while you are absent, you will do every thing in your power, to cultivate a friendly feeling with them, and to create in their minds impressions, favorable to our laws and institutions — and if any of them should be desirous of organizing under our Government, you will consider the foregoing general instructions as equally applicable to any such case.

Thomas Falconer Esqr, will accompany the expedition as historiographer, and from his labors the President anticipates large and valuable accessions to science — In fact, a scientific exploration of the country is second only in importance, to the great National interests with which you are more especially charged, and it is therefore expected, that every facility in your power, will be constantly afforded him, to enable him to give such an account of the intermediate country and its scientific capacities, as will enable the Government to form a correct estimate of its value, and extent, and the uses to which it may be best applied.

The position which Mr. Falconer will occupy, will be that of an invited guest. He will receive the same rations &c. as are furnished for yourselves, and will be allowed transportation for such additional stores, as he may think proper to lay in, on his own account. — He may also take with him an assistant, who will be entitled to transportation and subsistence, and neither of them will be subject to military orders.

You will take pains to procure all books, Manuscripts, Maps, charts, &c. that you may have an opportunity of obtaining, which will serve to add to, or illustrate the history of this country, or of this Continent, or, which will in any way contribute to the advancement of science and general knowledge. —

As a part of these instructions, a copy of those given by this Department to William G. Dryden, John Rowland, & William Workman Esqrs, Commissioners on the part of this Government to Santa Fé, appointed in April 1840, is attached. — Whatever those Commissioners have promised in the name of this Government, within the scope of their authority, and not inconsistent with their instructions, you will be authorized to repeat; but if you find, that they have not made the explanation of the meaning of the term "Indian" in the constitution, in the manner they are directed to do, by their instructions, it is thought advisable, that it should not now be done, unless it is absolutely necessary to the success of your Mission; and even then, candor requires that you should distinctly state to them, that the construction given by the President, is not, and cannot be conclusive upon the other Departments of the Government. Should this subject be pressed upon you, it will require much nicety and tact, to make such an explanation, as will be satisfactory to them, and consistent with the letter of the Constitution.

It is deemed unnecessary to instruct you, that no deception of any kind, must be practised upon any of the people with whom you have intercourse. — Your own high sense of honor, as well as the honor and reputation of the Government which is in your keeping, forbid the idea. —

A full and faithful report of what you shall do, under your commissions, will be expected from time to time, if you have an opportunity of sending it, and a complete history of the expedition on your return.

I have the honor to be,

Your Obt Servt

(Signed) Saml. A. Roberts
Acting Secy of State.

To/
William G. Cooke
J. Antonio Navarro
Richard F. Brenham &
William G. Dryden — Commissioners &c &c.

Department of State
Austin June 15th 1841

Sir

A commission is this day drawn up in which you are named one of a joint commission on the part of this Government, to conduct the expedition which is now being fitted out for Santa Fe. These commissioners have been vested with certain powers which are particularly enumerated in my letter of instructions to them of this date, which accompanies that commission.

In order that the policy of the Government may be fully carried out, it will in all probability be necessary, that some one should remain in Santa Fe after the commissioners who are joined with you shall have left that place, and that this commissioner should be clothed with the same authority that has been conferred upon them. Accordingly a separate commission has been made out, appointing you the resident commissioner on the part of this Government at Santa Fe whose official duties will only commence when the joint commissioners shall have departed or resigned into your hands their authority.

The duties which will then devolve upon you, are many of them to be found in the letter of instructions addressed to the joint commissioners, a copy of which will be furnished to you, and which you are to regard as a portion of your instructions as resident commissioner. But as many cases must arise which are not covered by these instructions this additional letter becomes necessary.

Under the instructions already given, you cannot be called upon to exercise the functions of your office as Resident Commissioner, until after the joint commissioners have taken possession of the Town of Santa Fe, organized the Government in accordance with their instructions, and installed the officers appointed by this Government, in their respective offices. It is only necessary therefore, to instruct you, as to the powers that will be conferred on, and the duties expected of you, after you are left sole commissioner.

People suddenly transferring their allegiance from one Government to another, where no Treaty stipulations have taken place between the two Governments, for the purpose of settling different points which will necessarily arise in the administration of their laws, will, without the exercise of great wisdom and moderation, speedily find themselves plunged into anarchy and confusion in every Department of their Government, but more than all in the judiciary.

To guard against such anticipated evils as far as may be, and to provide the best remedy for such as cannot be avoided, will constitute your principle duty. We are not sufficiently informed, either as to their laws or their mode of administering them, to instruct you particularly and specifically what innovations you will be allowed to make, in every possible case that may be presented. General instructions only can be given, which will serve you as a guide, and to which you are expected rigidly to adhere.

Of these the chief are — First — You will not be permitted either directly, or indirectly, to make any alterations whatever, (except such as are hereinafter particularly mentioned) in any of the laws of that country, nor in the mode of their administration.

Second — The tribunals as now constituted, will remain inviolate, save only the removal of such functionaries, as hold their offices directly from the Supreme Government of Mexico, and in whose appointments the people of Santa Fe have had no voice. Even these, you will in all cases retain, until their removal is formally demanded by a written petition from the people, in which case no discretion will be allowed you.

Third — All officers, whether retained or appointed by the joint commissioners, or by you, must take and subscribe an oath of allegiance to this Government, and those who are retained, must receive anew their appointments,

from the joint commissioners or from you.

Fourth.— All questions originating in the courts of law, or in any of the civil Departments of Government, which have heretofore been determined by the Governor, will, until further provisions is made, be determined also by you; and all appeals, that by their laws, lay from any of their courts of justice, to the higher courts in Mexico, or to the Supreme Government thereof, will, except in criminal cases, be disallowed; and the decision of the highest court of the country to which, by their laws, any appeal may be taken, shall be final and conclusive, until further provisions is made by Congress; but in all criminal cases, the same power to pardon that is now vested in the Governor of that province, or in the Chief Executive of Mexico, may be exercised by you.

Fifth.— It will be important to put the country as soon as possible in a state of defence, and for this purpose, unless the measure is found to be unpopular with the people, you are instructed to organize as rapidly as possible, the whole country under our Militia system— ordering elections at proper times for Military officers only, and you will do all in you power to foster a Military spirit in the people, so as to prepare them to repel any attack, which Mexico may hereafter make upon their liberties.

The Collector of the customs will be charged exclusively with the financial, as you will be, with the political Department.— He will receive from the Secretary of the Treasury special instructions in regard to the modification of the tariff, which will be conclusive on you also; and you will at all times lend him all the aid in your power, to carry into effect such modifications as he may make under them, when he is inducted into office, all the money and public property will be handed over to him— and over neither the one nor the other, will you be permitted to exercise any control.— Reasonable requisitions for the subsistence of the Military force, and the necessary contingent expenses for the Civil Department, will be paid by him; but of their reasonableness he must be the sole judge, as he will be held responsible to this Government for every useless and extravagant expenditure of the public money.

The foregoing instructions, as well as the instructions to the joint Commissioners, are all grounded upon the broad principle, that not a single alteration or innovation, should be made in the laws, usages, or customs, of the people of that country, which the change in their Government does not render absolutely necessary.— Nor any rights or privileges, power or authority, conferred either upon you, or upon the joint Commissioners which are not also absolutely necessary for the purpose of conciliating the people of that province, and of firmly uniting them with the rest of the Republic.— In short no alteration whatever will be made, either in the municipal law— the modes of procedure in their courts, or in conducting their public affairs, which do not, of necessity, follow from the new position in which they will be placed, by the change in their Government.— The object of this Government is only to provide a substitute for that which of necessity will be taken away— to go beyond this, will be to transcend, both the spirit, and letter of your instructions, and to disregard the pledges already given, and now repeated by the President, in his letter to the people of that country.— Congress only, can make and unmake laws; but even Congress can make no laws that will be binding upon them, until they, in common with every other citizen of this Republic, are fully represented in that body.— All this you will continually bear in mind, and such emergencies as may arise, not anticipated in either letter of instructions, your decision will be so framed as to accord with this principle.

You will lose no opportunity of communicating with this Department, and as far as possible, will keep it informed of all your official acts.— You will also take pains to collect and transmit to this Department, such statistical information as may be relied on, concerning the inhabitants of that portion of New Mexico which falls within our limits— stating particularly what portion of them are Indians, what mixed blood &c.— The number of Towns, their population, trade, wealth &c. will also constitute a part of your inquiries, as well also, the modes in which they are governed, especially if by any separate or peculiar code.

Upon a full review of all the instructions that have been

furnished to you, you cannot fail to be struck with the large discretion with which you have been invested— Gubernatorial authority has been unavoidably placed in your hands— power has been given which if misapplied, would render nugatory every effort to accomplish the object of your Mission; and a latitude has been allowed you, in construing your instructions, which opens a wide door for good or evil— with the utmost care and circumspection this could not be avoided, without depriving you of all efficiency in your office, and rendering the whole enterprise useless and valueless.—

The weight of responsibility which will therefore rest on you, will be very great— That you will prove yourself fully equal to it I doubt not; but nevertheless you cannot exercise too much caution— Let it be an established maxim with you, to undo as little as possible, and to shape all your acts after models drawn from our own institutions.

I have the honor to be,

Your Obt. Servt.

Saml. A. Roberts

Acting Secy of State.

To

Col. Wm. G. Cooke

Resdt. Commr. &c.

Department of State

June 17th 1841.

To

Col. Wm. G. Cooke

Sir

I am instructed by the Acting Secretary of State, to hand you the enclosed list of Documents and books, furnished you as Resident Commissioner to Santa fe— also those furnished for the Joint Commissioners, of which you are a Member.

Respectfully, Your Obt. Servt.

Jo. Staples

Chf. Clk. Dept. State.

Memorandum

of books &c. furnished by the Department of State to the commissioners to Santa fe, for the use of the Resident and Joint Commissioners—

4 Bound Volumes of Laws of Texas. 4 do. do Laws of Coahuila & Texas.— 4 do. do Journals of Constitution— 2 do— do Journals of the House Representatives 2 do do do of Senate, 4 do. do Laws of 4th and 5th Congress.— 3 copies of Falvels Reports, (in pamphlet) 38 copies of translations of laws of Texas (Pamphlets) 400 President's address to the citizens of Santa fe, with translated constitution of Texas— 50 President's address in Spanish (Hand bill).

For Resident commissioner

~~Copy~~ of Instructions to Wm. G. Cooke (as such) Copy do of Instructions to Joint Commissioners— Copy of Instructions to Dryden, Rowland, and Workman dated 14th April 1840— Commission as Resident commissioner— do as Joint do.—

For Joint Commissioners

Letter of instructions— Copy of Letter of Instructions to Dryden, Rowland and Workman of 14th April 1840. Commission for each.

For the Collector

His Commission.

For Secretary to Commissioners

His Commission—

Department of State
City of Austin June 21st 1841.

Sir

Soon after assuming the duties of Acting Secretary of State several communications from Mr Amory of the 12th 14th 19th 23rd & 30th April were received from Mr Mayfield who was then at Houston and who stated in his letter accompanying them, that he had "answered them" but omitted to send to the Department a copy of his reply, having accidently left it at Galveston. Presuming that Mr Mayfield's reply to your several communications was full upon every point, on which you wished for information or instructions, I do not consider it necessary to do more than acknowledge their receipt.

More recently Mr Amory's communication of the 20th May, has been received.. The formal announcement to the Government of the United States contained in that letter, of the resolution of this Government to terminate the Treaty of the 5th April 1831 between the United States and Mexico, so far as it is binding upon the United States and Texas, in all matters relating to commerce and navigation, as soon after the date of said communication as is compatible with the provisions of the 34th Article of said Treaty, renders it highly important that a substitute should be provided at as early a day as possible.. It seems quite evident from what has fallen from Mr Webster in the personal interviews you and Mr Amory have had with him, that he will not consent that the treaty should be made here.. It will therefore be of vast importance to us to know distinctly, as far as you can ascertain by conversations with Mr Webster, or otherwise, which, or how many of the principal features we wish to incorporate in the Treaty, they will make most difficulty in granting and what will probably go without question.— There seems to be three distinct and seperate heads or branches, under the one or the other of which, every topic that will probably enter into the contemplated treaty will be naturally considered. Viz 1st The free Navigation of the border rivers,— The Sabine and Red River to the sea.—
2nd Our Indian Relations.— 3rd Our Commercial and Maritime relations on the high seas.

This Department is not informed, whether the Government of the United States will contest the first point or not - but as it is one of great and growing importance to a very large and wealthy portion of our Citizens, it should no longer be permitted to remain in doubt.— In a similar case in the early history of the United States, the position which that Government took is well known, one of the very first questions which was raised after the close of their Revolutionary war with Spain, was upon the subject of the navigation of the Mississippi.- The position then assumed by all the Diplomatic Agents of the United States, who had occasion to touch upon this subject, was their "natural right to the free navigation of the Mississippi to its entrance into the sea" - The Congress too on several occasions, asserted their claim in strong and emphatic language.. One resolution particularly may be mentioned On the 16th Septr 1788 the United States in Congress assembled Resolved.. that "The free Navigation of the Mississippi is a clear and essential right of the United States, and that the same ought to be considered and supported as such".— And in the resolution which followed, a stop was actually put to the negotiations with Spain and the whole matter referred to Congress, because of the unwavering pertinacity with which Spain clung to her claim of the exclusive right to the use of that river.

The Conduct pursued by the United States throughout that controversy, is a matter of history to be found in all their public records.. And as their claim there was founded in reason and supported by strong and unanswerable arguments, it is presumed its reasonableness, will not now be denied.

The position which the United States then occupied towards Spain, we now occupy towards her precisely as far as the Navigation of the Red river is concerned. - As regards the free Navigation of the Sabine, the question is a little varied, but not it is thought materially.— The United States own to the Western bank below the 31° N latitude, above that the River is entirely our own, so that our claim is stronger in this case than in the former. In fact the bare supposition that our right to the free Navigation of the Sabine will be questioned seems a violent one, and the only object to be attained in introducing it into the

is to shut up the door against all future doubt. — I have not been able to ascertain whether the right of this country to the free navigation of the red River has ever yet been formally called in question by the Government of the United States, but murmurs and complaints from among our own Citizens begin to be frequent— of seizures and detentions of Texan produce by the authorities of the United States above and below Natchitoches. Our settlements on the upper part of the Red River renders it necessary that this matter should be definitely settled, at the very earliest possible date. The right to the free navigation of this River ought never to be abandoned. The mode only of exercising it should be specified in the Treaty.

In regard to our Indian relations, it would be difficult it seems to me, to place them upon a fairer or more equitable footing than the one they already occupy in the 33rd article of the Treaty between the United States and Mexico, which Treaty both Texas and the United States have tacitly acknowledged to be mutually binding. A little more precision might perhaps be given to certain expressions in it, if there be any reasonable doubt as to their true meaning, a doubt which however, I have never entertained myself. In this respect I differ with Mr. Mayfield who thinks that the word "incursions" as used in the Treaty means "peaceable" as well as "warlike" incursions— an interpretation which I think is contradicted by the context. I do not conceive however that it matters much which is the true interpretation. The Treaty will expire in May next at any rate, and before that time it is hoped a new one will be formed. The mutual obligations of the two Governments to restrain their Indians from making war or committing depredations upon the citizens and property of their neighbors, is to my mind a natural one. It follows of course from their claims of sovereignty. The Indians residing within the limits of the United States, and under its avowed jurisdiction, are, so far as all foreign powers are concerned, Citizens of that Country, and no nation will be permitted to enquire into, or intermeddle with, the manner in which they are governed, and that every Government is bound to restrain their Citizens from making war on a friendly power, needs only to be asserted to be universally accorded. The same reasoning is of course equally applicable to this Government. If this principal be acquiesced in by the United States, there can be no serious difficulty in the way in pointing out in what manner restraints shall be exercised. When Indians are at peace with the power within whose limits they reside, and make war upon the other contracting power, it ought to be the bounden duty of the former, to send such a military force against such Indians, as will be sufficient to dis-arm them, and to capture the principal offenders, who should be given up for punishment to the aggrieved party. And if such Indians are pensionaries of the power within whose limits they reside, their pensions ought for a limited period to be cut off. and remuneration made for the damages done by said Indians. But if any tribe or tribes of Indians are first at war with the power within whose limits they reside, and afterwards make war or hostile incursions upon the territory of the other contracting party, all that either party could in justice require of the other, would be the sending of such a military force against them as the protection of their own territory and citizens would demand, without being held responsible for any property taken off or destroyed by the Indians. One other point only presents itself on this subject viz the obligation on the part of the United States to remove such of their Indians from our territory as have emigrated from theirs.

We may well insist that this duty on their part is clear and unquestionable so far as relates to all such Indians as have come into our territory since our separation from Mexico, as well as to those who came here prior to that period without the sanction or permission of the Supreme power of Mexico and this upon such obvious principles that it is not thought necessary to enumerate them—

But that there is another obligation on the part of the United States to remove such as came here by permission of the Mexican authorities, anterior to the date of our declaration of Independence, and while we were yet of course an integral part of the Mexican Confederacy, may well be doubted, and by the last administration of the United States I recollect was expressly denied.— How far the present administration will be willing to go, will be for you to ascertain, which may best be done, at personal interviews with the Secretary of State.

There seems no necessity of specifying by name, what tribes of Indians are meant to be included in the Treaty.— The principle once settled, will embrace all residing in the respective limits of the two Governments.

As regards the third principal point, little need be said about it in this letter, which is intended rather to direct your attention to the particular subjects to be considered in the contemplated Treaty, than to instruct you conclusively and finally on them.— This could not be done at all, without risking an inconsistency in the instructions given by this Department, until a copy of Mr Mayfield's last communication to you is obtained.— nor ought not to be done until this Department is better informed of the views entertained by the government of the United States on some of the most important points— Entire reciprocity is all that either Government ought to, and I presume does expect.— What amounts to reciprocity has been so long, and so well settled by numerous Commercial Treaties between different nations, that there are few or no principles left in doubt.

It seems but fair that as the United States are to have all the benefit of treating at home, where they can have frequent reference to the proper Departments for information and instructions; that we should be entitled to something like an equivalent.— It is proposed therefore, that the Government of the United States, after being fully advised of the principal points which this Government desires to settle by the Treaty, submit a sketch of such a Treaty as they are willing to make to you as the representative of this Government. The only advantage we could expect to derive from their compliance with this proposition, would be; that it would save much time, as the fewer points there are left in dispute, the less time will be required to settle them.— We offer, provided they will consent to make the Treaty at Austin, to do what we require of them.

It is hoped that as soon after the receipt of this letter as possible, you will give this Department all the information you may be able to obtain upon the different subjects presented, as well as the answer of the United States Government to the last proposition.—

In whatever this letter may conflict with Mr Mayfields last Communication to you from Galveston, this must yield, and his will be your instructions. the reasons for this is obvious to you.

The Santa fé expedition took up the line of march from the encampment on Brushy, distant about twenty miles, on the morning of the 20th Inst. The Military under command of Brevet Brigadier General Hugh McLeod, consists of five companies mounted infantry and one of Artillery.— A caravan of Merchants with goods suited to the market drawn in waggons, accompanies the expedition under the protection of the Government.— The instructions given by this Department to the Commissioners are to the effect:— That they are to endeavour to prevail upon the people of New Mexico residing within our limits, to submit quietly and peaceably to an incorporation with us, and to acknowledge our right of Jurisdiction to the fullest extent.— This being accomplished our revenue laws are to be put in force at once, and a small Military force kept up there for the purpose of repelling any sudden attack of the Mexicans or Indians. A Commissioner is also appointed to reside at Santa fé as the representative or agent of this Government, with special instructions for his guide.— No further alterations are contemplated either in their laws or form of Government, than are absolutely necessary, from the alteration in their affairs, by a change of their allegiance. It is expected that a part of the expedition will return to this City as early as the 15th of Nov next, and will probably bring delegates to our Congress

I neglected to mention above, one other subject

195 which it would be well to sound the United States Government upon. I mean the granting by each Government to the citizens of the other, a free introduction of a limited number of slaves when taken as servants, for the purpose of attending on their masters or owners, and not for hire or sale. This is a delicate topic and will therefore require very nice management. You must exercise your own Judgment in ascertaining what effect the introduction of such a feature into the Treaty, would have upon it in the Senate. It would not do to hazard the whole Treaty for the accomplishment of an object comparatively insignificant. I only call your attention to this, as I have to the other topics embraced in this letter, reserving more particular instructions for Mr Mayfield on his return to the seat of Government.

I have the honor to be
Very Respectfully
Your Obt Servt
Saml A Roberts
Acting Secy of State.

To
Hon Barnard E. Bee
Washington

Department of State
City of Austin July 5th 1841.

Sir

I have the honor to acknowledge the receipt of your letter to Mr Mayfield, who is at present absent, of the 15th May. It has been detained about ten days between Galveston and this place owing to the sickness of the messenger who had been sent up with it.

We had previously heard of the refusal of the British Government to ratify the two treaties taken out by Mr Ikin, because the third one, for the suppression of the African Slave Trade, did not reach this Country in time for ratification by our Senate. Your assurances that this decision of the British Government is made without the smallest change in the friendly disposition of Her Majesty's Government, but in strict conformity with established rules, relieves this Government of much apprehension, for from recent indications we thought we had reason to attribute it to other motives.

Information reached this Department last night of the return of Judge Webb to Galveston, permission having been refused to him to land even. In order that you may be fully possessed of all the circumstances attending his rejection, I have caused copies of the several communications which passed between him and Mr Pakenham to be made, which are enclosed. The translations of the Mexican communications were made very hurriedly and are imperfect. They are pretty literal however and will convey to you at least the meaning of the writers. I call your attention particularly to the closing paragraph of the letter of the 10th June. The affected horror of the Mexican Secretary for the slave trade which he asserts is carried on in this country, presents a new point of objection and was evidently introduced, more for the effect it was supposed it would have upon the Councils of England than from any principle of State policy. Taken too in connexion with the refusal of the British Govmt. to ratify the two first Treaties, because the African Slave trade Treaty had not been ratified by us, although this was in strict conformity with established usage, as you assure us it was, it certainly presents matter for reflection if not uneasiness.

I should not dwell so much upon this point, or view it in so serious a light, if it was not for the great excitement produced, as far as we have yet heard, in every part of the Country, where the news of the rejection of Judge Webb, has reached. Public meetings are being held, and war speeches made all over ~~in every part~~ of the Country. It seems now in fact, almost inevitable. In what condition we are to become the assailant, no one knows better than you do, and if this news reaches you before you have closed your

Negotiations for the Loan, the consequences must be disastrous in the extreme. The emergency is such that General Lamar has resolved to go at once down to Galveston, for the purpose of satisfying himself on many points of which he is now in some doubt — and while there the policy to be pursued will be finally settled. You may I think prepare yourself, for what I feel confident must come War. More I cannot say at present; but if I go to Galveston whatever is determined on shall be immediately communicated to you from that place.

In the event of War, the Congress will probably be convened immediately after the elections, say about the 25th Septr. I mention this now, that you may if you think it necessary be prepared, upon further Notice, to set out so as to be here early in the session.

~~In the event of War~~ The President deeply regrets that there should have been the least room for doubt in your mind as to the proper construction to placed upon the appointment of Gen Green to succeed you at the Court of St. James. It was understood by President Burnet from the phraseology of your letter that you only desired to remain there long enough to exchange the ratifications of the treaties you had made upon the accomplishment of which you wished to come home, and it was upon the supposition that the ratifications would be exchanged in March or very early in April, that the President tendered the appointment to Gen Green, tho' his Commission in fact was never made out. This it is hoped will sufficiently account for the appointment of Gen. Green almost simultaneously with you.

Though nominally in a State of war the country is in fact at present at profound peace. The Indians who have been our most troublesome enemies heretofore have been uniformly so terribly beaten and at such immense odds too, that they are beginning to despair and are gradually falling back, and the settlements as rapidly advancing upon them — They becoming weary of a Conflict from which they reap nothing but disaster and death. This State of things enables our planters to give all of their time or nearly so, to the cultivation of the soil This year, it has amply repaid them. The increase in the cotton crops will be very great and the supply of bread stuffs will greatly over run the demand — This is an important fact to be known in Europe — especially at this particular juncture of affairs. I have taken pains to inform myself, and you may rely upon my accuracy. A long drought might do injury still; but it could not, I think, be very serious.

I have the honor to be, with great respect

Your most Obt Servt

Saml A Roberts

Acting Secy of State

To/ General James Hamilton.

Memorandum of documents sent to Gen Hamilton accompaning above letter

Letter of Judge Webb to Mr Pakenham dated June 1st 1841.
Ditto Mr Pakenhams reply to Judge Webb " June 10th "
" Judge Webb to Mr Pakenham " " 16th "
" Mr Canedo to Mr Pakenham " Decemr 11th 1840.
" Mr Comacho to Mr Pakenham " June 8th 1841.
" Judge Webb to Secy of State of Texas " " 29th " –

Department of State
July 8th 1841.

Sir:

Since my last letter to you, Mr Amory's favor of the 12th ult. has been received to which no particular reply is necessary: we are anxiously expecting further advices from you upon the subject of the contemplated Treaty. The President is extremely anxious to have that business closed before the meeting of congress if possible, and at any rate before the expiration of his term of office. A Treaty upon a basis of strict reciprocity cannot be a bad one, and with no other guide you might confidently proceed to the discussion of the different articles. The protracted absence of Mr Mayfield has prevented any more specific instructions than the hints contained in my Communication of 21st June last.

I have reason to believe that some of the original drafts of our

public papers were taken on to Washington City, and are now on file in some of the Departments there — probably the war. The journal for several days of the proceedings of the Convention — the original Constitution &c. are also missing: these papers if there, will doubtless be given up with pleasure by the Government of the United States — The mode of making the application, can be best judged of by you. Your particular attention is called to it as a matter of interest in the future history of this Country.

I enclose a communication for Genl Hamilton which I wish forwarded by first safe opportunity. The letters and the papers accompanying it are left unsealed that you may first read them. — They will fully advise you of all that has transpired up to this time. When I wrote last night to Gen H. I thought I should accompany Genl Lamar to Galveston, I think now it will not be necessary. Genl Lamar will go down alone, and either he or Judge Webb will inform Gen Hamilton of all that will be necessary for him to know.

I have the honor to be with high regard
Your Obt Servt
Saml. A. Roberts
Acting Secy of State

The Hon
Barnard E. Bee

Department of State
Austin July 7th 1841.

Sir

Your Communication of the 31st Ult to this Department was received two days ago, and it, together with the accompanying documents, was immediately laid before the President, and he considers the questions involved of such magnitude as to determine him to go at once in person to Galveston, where he can best determine what will, under all the circumstances, be most proper to be done. — He will accordingly leave here in the morning, and will probably be not more than One day behind Mr Moore on his arrival at Galveston.

I have the honor to be very Respectfully
Your Obt Servt
Saml A Roberts
Acting Secy of State

The Hon
James Webb

Department of State
City of Austin August 11th 1841.

Sir

I had the honor of receiving this morning your letter from Galveston of the 31st Ult. addressed to the Secretary of State, with the papers mentioned to be enclosed in it.

Unfortunately our Mail arrangement is such as to leave but one entire day between its arrival and departure, which usually renders it impossible to do any more than to acknowledge by the return of the post, the receipt of any communication of the important character which yours possesses.

It will, however be immediately laid before the President, and I flatter myself, that such order will be taken respecting the Subject of your request, as will prove satisfactory to you.

I avail myself of this occasion to tender you assurances of my distinguished consideration.

Saml. A. Roberts
Acting Secy of State

Hon.
Joseph Eve
Chargé d' affaires
of the United States.

Department of State
Austin August 17th 1841

Sir:

Your communication of the 31st Ult. the receipt of which was acknowledged in my note to you of the 11th Inst. has been submitted to the President and I have his instructions to make the following reply.

Among the papers accompanying that communication is a certified copy of an indictment "found by one of the Criminal Courts for the State of Louisiana" against one Moro Philips for stealing two negro slaves in the said State of Louisiana, and who, it is alledged, has "fled with them to the Republic of Texas".

In a subsequent part of your ~~letter~~ communication you say — "In the absence of a Treaty stipulation, with the two Governments, upon the subject of fugitives from justice, I am aware that the surrender of Philips cannot be claimed as a matter of right — It has however been understood & believed in the United States that the Government of Texas, from feelings of comity which exist between the two Republic's, would not be disinclined to surrender to the proper authorities, fugitives from justice from the United States", and that you are "therefore instructed by the Government of the United States to request through you (me) that the Government of Texas surrender the said Moro Philips to the proper authorities of Louisiana". — Whatever may be the "feelings" which this Government entertains on this subject, the avowal of the accredited agent of the United States on a recent occasion, when making a similar demand of this Government, "that the Executive of the United States is not empowered to deliver Criminals to foreign Governments in the absence of Treaty stipulations to that effect" would of itself be amply sufficient to justify the President in refusing to comply with your request even if his constitutional right to do so, was clear and unquestionable; for it surely cannot be expected of one nation, to exercise an act of international courtesy, when it is distinctly informed beforehand that the same act, under similar circumstances would not be reciprocated. — I do not mean now to intimate, what course this Government would have pursued if the case had been differently presented. — I know of no public act or declaration on the part of this Government, which authorizes the inference that it (the Government) would not be disinclined to surrender to the proper authorities, fugitives from justice from the United States" nor indeed to I understand you as deducing your inference from any such authority — If I am mistaken in this you will correct me —; But even then the President would feel himself clearly absolved from any obligation he might otherwise have felt himself under, by the official avowal of the policy as above quoted, which the Executive of the United States would pursue in like cases towards this Government.

In no view of the case, does the President then, feel that he is called on to deliver to the United States, Moro Philips, who, it is alledged, is a fugitive from justice; and I am therefore instructed by the President to inform you, that he declines, for the reasons above given, complying with your request.

It affords me much pleasure Sir, to furnish you with a copy of the Treaty between this Government and France, as you request — It is sent with this Communication.

I avail myself of this occasion to renew to you assurances of my high regard and consideration

Saml A Roberts
Acting Secy of State.

Hon
Joseph Eve
Chargé d Affaires. U. S. A.

Department of State
Austin 7th Septr 1841.

Sir!

Your communication of the 31st July was received by the last Mail, and with it, a copy of your note to Mr Webster on the subject of the contemplated treaty with the United States. - A short time previous to this, yours of the 13th July to this Department also came safely to hand. In this last you mention that you are entitled to a reply from Mr Webster to your note of the 19th May relative to Indian encroachments. This subject is becoming a very interesting one to the people of this country, and it is earnestly hoped, that you will receive a speedy and satisfactory reply from the Government of the United States. Doctor Robertson whose negroes, you will recollect, were taken by the Indians, and were subsequently found to be held by persons residing within the territory of the United States (the evidence of which was furnished to you from this Department on the 20th April) has already gone to great expense in the pursuit of his property; and has been damaged, by the loss of time &c. to an amount, that even a prompt restitution of his property could not repay. - But if it is delayed much longer, the chances of finding the negroes again will be very much diminished, and their value greatly lessened by the idle and desolate habits which negroes so readily contract from a long residence with savages. It is particularly desirable therefore, that this subject should not be permitted to slumber; but that you should press as earnestly as would be becoming, for an answer.

Mr. Webster's reply to your communication of the 13th April remonstrating against the violation of our territory by a deputy Marshall (Ferguson) of the State of Arkansas. - a copy of which was enclosed in your despatch of the 13th July - if not altogether satisfactory, is at least all that we could reasonably demand, under the peculiar circumstances of the case. - It is of the less importance in a National point of view, as the like cannot well happen again. The boundary line is completed, and the officers of neither Government can hereafter plead ignorance upon this point.

From your communication of the 31st July, I learn with regret that Mr Webster will probably adhere to his first resolution as to the place of negotiating the contemplated Treaty. The press of business in his Department and the heavy demands upon his time, will not permit him to give the subject that constant attention which we so much desire; and I much fear the negotiations will be protracted beyond the constitutional term of the present administration. - Nothing remains however, but to use all dilligence in urging it forward in Washington with all possible despatch.

Your note of the 27th July to Mr Webster, has been carefully read by the President and receives his approval. - You were not mistaken in supposing that this Government would claim the right of entrepôt; or of transhipping their produce, from some point on the Mississippi, free of all charges except the ordinary ones of Storage, warfage &c. when the produce is to be sent to a foreign country for sale or traffic. - What point the Government of the United of the United States may think proper to assign to us, for this purpose, is not very material (though an eye should certainly be had to its convenience) The principle is what we are most concerned about. - In my communication to you of the 21st June, I did not it is true, mention this as one of the principal heads of the contemplated Treaty. - I regarded it, as you have rightly conjectured, as included in our claim of the right of free navigation of the Red River to its entrance into the sea. - and it is so essential to a full exercise of that right, that it is difficult to conceive how it could be supposed to exist without, it would in fact be manifestly

absurd, to concede to us the right of free navigation, and in the very same instrument assert the right of taxing us upon the transhipment of our produce into vessels calculated for the sea; which, from the unfitness of the river craft for the navigation of the ocean, would always have to be done. — It involves an absurdity of terms.— for how can that navigation be said to be free, when we are compelled at some point to pay the duties exacted by the impost laws for all goods introduced into the Country? There can be no need of a treaty to secure the right to us (I mean the right of importing into the United States all of our produce upon paying the duties thereupon) for we already enjoy it, in common with all Nations who are on friendly terms with the United States. — Nor do I conceive that it ought to make any difference whether we employ as our carriers, Texan or American bottoms or bottoms of a third power. You recognize none I perceive in your Communication to Mr Webster, though in your letter to this Department, you make a distinction between American bottoms and our own

If the United States have it in contemplation as you seem to intimate to deny to this Country the right of entrepôt, they, would be much more likely to do so, if it was believed by them that we were to be our own carriers. — while the prospect of opening a new channel to the enterprise and industry of American Ship owners, could not fail to operate as an inducement with that Government to grant our demands. — I do not apprehend therefore, that you will find any difficulty in negotiating for the right to tranship in American bottoms, if they concede to us the right to tranship in our own. As concerns bottoms of third parties, it is more a subject of Treaty between the United States and such parties than between us. You will however be authorized and expected to see that nothing enters into the Treaty on this subject, which would be injurious to the interests of our citizens.

Until the receipt of your last communication I did not apprehend much difficulty in settling with the United States to the free navigation of the border Rivers to the sea. — That is the last nation that ought to question that right — for no other has taken such strong ground in favor of the principle, or been more Consistent in maintaining it. — In addition to the references I have already cited you to in proof of this, you have but to turn to her diplomatic correspondence to find volumes to the same effect; Besides this I donot think you will find it difficult to establish that it is now the settled law of nations as recognized by most, if not all the leading powers of Europe. — That navigable Rivers are public highways, when they rise in one Country and empty into the sea in another, so far at least, as the Country in which they rise is concerned. — I well recollect reading in a newspaper a case of this kind, which was settled some two or three years ago, in some of the European Governments, (I have forgotten which) nor have I as you know such books as would assist my memory. — but this I well recollect, that the principle was said to be extended beyond the rule laid down at the Congress of Viena — Should it be necessary you will probably be able to find the authority last alluded to, in the libraries of some of the Legations in Washington.

This question is one of vast importance to us, and I have therefore devoted a large share of my letter to it. — It remains now, only to instruct you concerning the conclusions to which the President has come after a mature consideration of the subject in all its bearings.

He directs then, that unless the United States concede to us the right of freely navigating the border Rivers, and of transhiping whatever we may have for export, free of all tariff and impost duties — and the right of landing and storing our produce when vessels are not in readiness to take it off, by paying the customary charges for warfage, storage &c. that you be instructed to enter into no Treaty at all upon this subject. It is one upon which this Government can make no compromise without inflicting a lasting injury upon that portion of our inhabitants residing on or near the border Rivers; and at the time jeopardizing a great national right, the enforcement of which, as

as its importance is felt, and the principles upon which it rests are understood, will be demanded by every voice of the Nation. We had best therefore, meet the question at once. No Government ever can, without the loss of National Honor, stand by and see her citizens stripped of a "right," which, to quote the language of the Congress of the United States on a case precisely similar, is "clear and essential" and one that would be weak enough to allow it, could never be sustained by a free people. We have as little doubt of our right, as the United States had of theirs when contending with Spain, for the free navigation of the Mississippi.

In all your intercourse therefore with Mr Webster, whenever the navigation of the border Rivers is the subject, you will always represent the free navigation and the right of entrepôt as a sine que non. If both of these points are not conceded, you will not be authorized to consent to any arrangement concerning the navigation of the Red River particularly (for the Sabine stands on a different footing) by which by the remotest implication, there is any abandonment of the principle we have set out with.

If it is found to be impossible to incorporate our demands on this head, in the Treaty; then that entire branch of the subject must be left open, and your attention will be turned to the points mentioned in my former communications, and your note to Mr Webster of the 27th July. If we are balked in so essential a feature of the Treaty, as the free navigation of the border Rivers, it will be difficult to make any Treaty which will be satisfactory to this nation. Under these circumstances therefore, too long a period for its duration ought not to be fixed upon. The navigation question must come up again and that before very long; when it will be desirable to have the subject open for discussion. Perhaps the United States, would consent in the treaty (in case you do not come to some understanding now) to leave this particular subject open for discussion at an early period. I only suggest this, leaving it to your discretion whether you will avail yourself of it, or not.

Your omission to say any thing to Mr Webster on the subject of introducing slaves from one Country to the other, when travelling with their owners, as servants, is perhaps, upon the whole well. There cannot however be any objection to ascertaining the views of the Government of the United States upon this subject, which may be best done in personal interviews. If that Government seems much averse to such a stipulation, you ought not to hesitate to abandon it, but if it is a matter of indifference, with them, the opportunity ought not to be lost of securing a privilege, the want of which is so serious an inconvenience to the citizens of both countries.

I have not complied with your request to "draw out in full form such a Convention as our Government is desirous of entering into," for the reason that it would be almost a miracle if such an one would not be so changed and altered in various ways before it could be made entirely acceptable to the United States, that it could hardly be recognized as the one furnished by the Government; besides this it rarely happens that your first demands are all acceded to. you must then fall to a second, and frequently to a third. If the Government should furnish a project of a Convention, it would of course, embody its first demands on every point, and if not accepted in that shape, which it would not often be, it would be of little use beyond supplying a form, for which of course you do not feel at any loss.

I enclose as you request a copy of the Treaty with France. This, with those you already have, will be excellent guides

in many particulars.

A separate commission to make the Treaty is also enclosed.— I knew the necessity of this; and soon after coming into office, made some enquiry about it, and was left under the impression that full powers for this purpose had been conferred upon you.

I think now you are well informed on all the points of a material character that we desire to arrange with the United States.— There are of course minor ones, such as enter into all treaties, that have not, been dwelt upon.— They are referred to your judgment and descretion.

I cannot close this communication without mentioning the anxiety of the President to accomplish this negotiation with the United States so as to lay it before the Congress at its meeting in November, or at least, before his term of office expires.

I have the honor to be
Your Obt Servt

Hon
Barnard E. Bee
Chargé d' Affaires
&c &c &c

Saml A Roberts
Secretary of State

Department of State
Septr 13th 1841

Sir!

Your note of the 11th Inst enclosing a communication from the Governor of Yucatan to his Excellency the President, was placed in my hands upon my return to Austin, last evening.— I have hastened to lay them both before the President, and hope soon to receive particular instructions concerning the matters touched upon in those communications.

In accordance with your wish for a private and personal interview with the President, he has instructed me to say, that he will see you to day at the hour of eleven O'clock.

I avail myself of this Occasion to tender to you assurances of my distinguished Consideration.

Saml. A Roberts
Secy of State

To)
Col Martin F Peraza.

The undersigned Secretary of State of the Republic of Texas presents, his compliments to Col Peraza and informs him that the bearer of this note, Mr Maury will wait on him for the purpose of Conducting him to the office of the undersigned, at ½ past 10 Oclock; whence the undersigned will accompany Col Peraza, for the purpose of introducing him to the President.

As the interview is to be a private One, all ceremony beyond a simple introduction will be dispensed with.

Saml A Roberts.

Austin 13th Septr 1841.

Department of State
Austin September 17th 1841

Sir:

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of your communication of yesterday which, in compliance with your request, as well as from the important character of the communication itself, he immediately submitted to His Excellency the President.

The President fully appreciates the motives assigned by you, which induced the Governor of Yucatan to send you near this Government previous to the assembling of the Congress of Yucatan. — Although the State of Yucatan is yet, strictly speaking, one of the United Mexican States, never having, so far as this Government is informed, formally and solemnly declared her separate national independence; The President notwithstanding trusting entirely to the repeated verbal assurances you have given to him and to the undersigned, that it was the fixed and unalterable ~~determination~~ resolve of the people of Yucatan, to throw off the yoke of the Central despotism of Mexico, and to establish for themselves an independent Government during the sitting of Congress now in session in Yucatan, receives the propositions contained in your communication, as frankly as they are made.

Love of liberty and hatred of oppression are the leading characteristics of the people of this Country. — To a call upon their philanthropy they are never deaf. When therefore you tell us that you have reason to apprehend that the same despotism which for a time waged so savage and relentless a war against us, is preparing to attack the newly established liberties of your Country, we cannot hesitate to co operate with you in preparing to repel that premeditated attack by sending such a portion of our Naval force to sea as may be deemed adequate to the service required of it.

That this Government may derive incidental advantages from sending its Navy to sea, to cruize against the commerce of its enemy is not denied; but that these advantages will afford a just equivalent for the heavy expenses of keeping our Navy at sea, and for the shock such a step may give to our national credit abroad; and the loss we may thereby suffer; the undersigned apprehends it is equally unnecessary for him to deny.

The President therefore in accepting the pecuniary aid offered by Yucatan # in the terms proffered in your communication towards the support of the Navy so long as it continues to co operate with that of Yucatan, only discharges a duty towards this Government, which a rigid and economical expenditure of the public money demands.

"In your communication you propose —

First... "To contribute eight thousand dollars ($8000) either at Galveston "or New Orleans to aid in putting three or more of our vessels in "action.

Second. "To contribute the like sum of eight thousand dollars ($8000) "towards the support of said vessels each and every month "they may co operate with those of Yucatan.

Third — "To divide between the Government of Texas and Yucatan "such sums as may be received from captures by sea — or "from the Custom Houses or other public offices or property "belonging to the Central Government, of such towns and cities "as may be occupied by said forces during the period our "vessels may co operate with those of Yucatan — in proportion "to the expenses they may respectively incur, first deducting the "actual expenses of the enterprise."

With the principles contained in these three propositions the President is entirely satisfied; but as difficulties might hereafter arise in settling the respective rights of the two governments under the last proposition, owing to the too general terms in which it is expressed: The undersigned has been instructed, taking your propositions as a basis, to state specifically the terms upon which the President will feel authorized to afford to the Government of Yucatan the aid which she demands. — (They are as follows to wit)

First. — The President will send out to the coast of Yucatan with all convenient despatch three or more armed vessels of the Texan Navy, with orders to co-operate with the sea and land forces of the State of Yucatan to prevent the landing of troops, military stores &c. by the Central Government of Mexico on the territory of Yucatan. — and — To make captures by sea of the enemy property (i.e.) the property of the Government or of the citizens of the Central Government of Mexico.

Second — All captures made by Texan vessels shall be taken into Texan ports for adjudication; and all captures taken by Yucatan vessels shall be taken into Yucatan ports for the like purpose.

Third. — After adjudication and condemnation of prizes taken either by Texan or Yucatan vessels; all the expenses attendant on the adjudication and condemnation shall be first paid — next, the prize money of the officers and crew is to be paid, after deducting which, the remainder is to be equally divided between the Governments of Texas & Yucatan; and all money derived from the seizures of cities, towns, custom houses and property belonging to the Central Government of Mexico is also to be equally divided between the Governments of Texas and Yucatan;

Fourth. — To aid Texas in equipping her vessels for sea, and for their support while at sea and in co-operation with the Naval and land forces of Yucatan, Yucatan will be required to contribute eight thousand dollars in advance in New Orleans or at Galveston at the option of this Government; and to pay the like sum of eight thousand dollars at the expiration of each and every month thereafter to the Commander of the Texan squadron, as long as the said squadron continues to co-operate with the forces of Yucatan. It being always understood that the monies thus advanced by the Government of Yucatan to aid in fitting out and supporting the Texan Squadron at sea, is to be regarded as her proportion of the expenses which will be incurred by the two Governments in their joint operations against the Central Government of Mexico, and will not be construed as forming a part of the expenses incurred in making separate and individual captures either at sea or on land.

The foregoing it is believed by the undersigned embraces substantially the propositions made in your communication except perhaps in one or two immaterial particulars, which were added for the purpose of greater certainty, in construing the agreement. — If they are such as you are authorized by your Government to sanction, and if they meet with your approbation, as soon as you signify this fact to this Government, the necessary orders will be immediately given for carrying them into effect.

I avail myself of this occasion to renew to you assurances of my high regard and distinguished consideration

Saml. A. Roberts

To
Col. Martin F. Peraza
&c. &c.

Department of State
Austin 18th Septr 1841

To
Col Martin F. Peraza

Sir: The undersigned Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of your note of this date, in which the propositions that the undersigned had the honor to make to you in his communication of the 17th inst were by you formally acceded to on the part and in behalf of the Government of Yucatan.

This being done the President has this day given orders in conformity with the stipulations and agreements which have been mutually made between the two Governments for three or more Vessels to proceed with as little delay as possible to the port of Sisal, when it is expected the Government of Yucatan will furnish the Commander of the Squadron with such information as will enable him to operate to the advantage of Yucatan.

The undersigned has noted that part of your note which relates to the manner of disposing of the Cities and Towns &c that may fall into the hands of the Texan Squadron, and has the pleasure to inform you that the instructions suggested by you to be given to the respective Commanders of the Texan and Yucatan forces, have already been given by this Government to Commodore Moore

It is hoped that the action of Commodore Moore, who will personally command the squadron, will be such as to give entire satisfaction to the Government of Yucatan. His Orders have been made out in strict conformity with the agreement which has been entered into between the two Governments. I need scarcely assure you that every part of this agreement will be most faithfully observed on the part of this Government

I avail myself of this last occasion to assure you of the high regard and Consideration with which I have the honor to be

Your Obedient Servant,

Saml A. Roberts.

To His Excellency
The Governor of the State of Yucatan.

Republic of Texas
Executive Department
Austin 20th July 1841.

Most Excellent Sir:

In reading over the Correspondence of Commodore Moore while commanding the Texan squadron on its late Cruize in the Gulf of Mexico, I have experienced the most sincere and lively gratification in discovering the many evidences it affords of the kind and friendly sentiments entertained by the Authorities of the State of Yucatan towards the Government and people of Texas; and I now beg leave to assure you Sir, that every expression of friendship and regard which has been uttered in your State towards us, is most cordially and sincerely reciprocated on our part.

It has been my earnest desire to establish with the States of Yucatan, Tobasco and such others as may throw off the yoke of Central despotism in Mexico, relations of amity and friendship, and to show the disposition of this Government to reciprocate in the fullest manner every evidence of good will manifested

by the federalists of Mexico towards this Country, I hereby have the pleasure of declaring to you, and of making known to your Citizens, that the ports of Texas are open to the Vessels and Commerce of Yucatan upon the same terms we extend to the most favored Nations — and that this Government will require of its Citizens, the faithful performance of all Contracts, obligations, or Compromises, which they may enter into with the Citizens & Subjects of Yucatan.

Should it be the desire of Your Excellency, and of the Congress of Yucatan, to enter into more permanent and Specific relations of Amity, friendship, and Commerce with the Government and people of Texas, I have only to assure you, that we shall be happy to receive from you an Agent duly accredited for that purpose; and that we will be prepared to enter into such negotiations and arrangements with him as will be mutually beneficial, & result in securing a full and Complete acknowledgement of the respective rights of both Countries, from those who are now our enemies.

I avail myself of this occasion to express to the people of Yucatan through Your Excellency, my sincere wishes for their prosperity and happiness, and of offering to you personally assurances of the distinguished regard with which I have the honor to be

Your Excellency's

Most Obedient Servant

Mirabeau B. Lamar

Department of State
Austin 17th of September 1841.

To
Col Martin F. Peraza

Sir: The undersigned Secretary of State has the pleasure to present to Col Peraza six Copies of the laws of Texas to be distributed by him as he may think proper on his return to Yucatan — One set (the bound one) is intended to be presented by the President to his Excellency the Governor of Yucatan

The undersigned offers renewed assurances of the great Consideration with which he has the honor to be

Your most Obedient Servant

Saml A. Roberts

Galveston, 20th July 1841

Hon Joseph Eves,

Sir: I have the honor to acknowledge the receipt of your note of the 18th inst, apprising me of your appointment as Chargé d'affaires of the United States, to reside near the Government of this Republic; and in the absence of the Secretary of State, and to save you the necessity of an immediate visit to Austin, I will with pleasure dispense with the ceremonies usually observed on such occasions, and receive you in your official Character at my lodgings at the residence of A. A. Mc Jackson Esqr in this City at eleven O'clock tomorrow morning.

I have the honor to be, Respectfully

Your Obt Servt

(Signed) Mirabeau B Lamar

267 *Private!*

Galveston, 20th July, 1841.

Dear Sir:

Having determined with the ceremonies usually observed on such occasions, by receiving the Chargé d'affaires of the United States at this place, without the presence of the Secretary of State, with the view of saving him the necessity of an immediate visit to Austin, I have in reply to his note handed to me on yesterday by yourself, informed him, that I would receive an official visit from him at my lodgings at the residence of Mr Jackson in this City on tomorrow morning at eleven O'clock.

I have designated my own lodgings as the place of reception instead of the Tremont House, as suggested by you, believing it to be more proper under the circumstances.

With respect and regard,
Your Obt. Servt,

Col. James Love

Mirabeau B. Lamar

L. Gapiot Esqr

Department of State
Austin 29th Septem'r 1841.

Sir:

Your letter of the 16th inst, has been received. I can see no objection to the power of attorney from Mr Baudouin to you; but the power under which he acts does not appear. You produce only a Copy of the power of Attorney from the Messrs Sigardi's taken from the Original act on file in the Office of a Notary. In most of the States, notarial acts are recorded in the Office of a Notary, while the Original is given into the Custody of the party claiming to act under it; and in case the original is lost by casualty, a copy from the Notary's record will in certain cases be received in evidence. I am not familiar with the laws of Louisiana, but presume this is the law there; at any rate, the Government cannot be bound to receive secondary evidence where better can be had.

I do not therefore see how the Certified Copy can be made to answer in the present Case: There is at any rate an easy way of obviating this difficulty; Mr Gordon whom it seems resides in New Orleans can Constitute you the especial attorney, to act for his house in this case.

From what I have said you will perceive that Copies will in no instance be received in evidence in support of the alledged claim against the Government, when Originals can be had. In other words the well known rules of law that "the best evidence which the nature of the case admits of, must be produced" will be strictly enforced.

As Congress will Convene in a very short time, it would be well to have your evidences here in season, to have it laid before that body at an early date. You can if you think best enclose it to me and I will lay it before the President who will transmit it to Congress: but it would be much better that you should be here in person to attend to whatever deficiency there may be thought to be in the evidence &c.

Diplomatists residing in the United States as well as in all European Countries as far as I have been able to learn, always pay postage on letters &c. transmitted to them by mail; I can see no reason why you should be placed on a different footing.

I have the honor to be Your Obt Servt

Saml A Roberts
Secy of State

Department of State
Austin May 12th 1841.

Hon George S. McIntosh
Charge d'affaires
To France,

Sir,

It becomes my painful duty to communicate to you, and through you to represent to the King and Government of France, a series of conduct on the part of Mr. Saligny, so extraordinary in its character, as to render his longer residence in this Country as the Representative of the French Nation unavailing to his own Government, and highly injurious to ours.

Upon the arrival of Mr Saligny in this Country as the Charge d'affaires of France, he was welcomed, not only with the kindly feelings which a grateful recollection of the friendship exhibited by his Government to us, in our early history, was so eminently calculated to inspire, but with such public and private manifestations of courtesy and respect as should have been sufficient to convince him of the great desire of the Government and People of Texas to cultivate and promote the amicable relations existing between the two Countries, and at the same time to render his sojourn and residence among us, personally agreeable and pleasant to himself. But this disposition on our part, rendered so apparent by our conduct towards him, seems not to have been appreciated by Mr. Saligny. From the moment of his reception up to the present time, his arrogance has been such as to create the impression that he considered himself as the representative of a Great Nation, which, through his instrumentality, had condescended to look with pity on a feeble one, and extend to it its countenance, when no other European power would have thought of such a thing; and as we were indebted to him for the recognition of our Independence by France, we could not object to any course he might think proper to pursue, either with the Government itself, or with its citizens in his private business transactions. One of his first Acts after reaching Austin was the payment of his teamster who had transported his furniture and goods, in counterfeit money which he afterwards refused to take back or redeem. This money, it is said, had been received by him in New Orleans and was pronounced to be counterfeit while in his possession, still he paid it to a poor man who had labored for him, and afterwards refused to give him any redress. This affair created much sensation at the time, and to avoid the injurious consequences which would have resulted from it, by destroying the confidence of the Community in his integrity, the Secretary of the Treasury gave to the Teamster $300. in lieu of the counterfeit money, and was subsequently reimbursed by the members of the Cabinet taking the loss upon themselves.— See Mr. Sevey's Statement.

Shortly after this, Mr. Saligny had a difficulty with his Land Lord, in consequence of his refusing to pay his board bill. I know nothing of the merits of that controversy, as it regards the charges made by Mr. Bullock. He is a man who bears a good character in the Country for honesty and probity, and is highly esteemed as a Landlord in the city. Mr. Saligny however said that his charges were too high and he refused to pay them. Be this as it may, it was a private transaction between themselves, in which the Government was not requested by either party, for several months, to interfere. It is true that Mr. Saligny complained in private conversations with several Gentlemen of Bullock's charging him with bad faith in the payment of his debts, but he made no official communication of the fact, and did not seem disposed to give publicity to the transaction. The Government however availing itself of information thus indirectly received, and desirous of putting an end to a matter which seemed to give him annoyance, procured an act of Congress to be passed, which would render liable to punishment by fine and imprisonment, any individual who should speak in disrespectful terms of a foreign Minister; This O.T—

if not farther, than any other nation has ever gone, in providing the means of carrying out that principle of the Law of Nations which affords protection to foreign Ministers, and as it was known to Mr. Saligny, that it was passed with direct reference to himself, it was hoped that he would see in it the sincere desires which this Government felt to protect him from annoyances of any kind, however those annoyances might have been produced, but no effort on our part seems to have been sufficient to satisfy him. The quarrel between him and Mr. Bullock was not only continued, but greatly aggravated on his part, by his causing the property of Bullock to be repeatedly, and as it is said, most wantonly and maliciously destroyed, until it finally resulted in a rencontre between Bullock and that servant of Mr. Saligny who had been mainly instrumental in the destruction of his (Bullock's) property. This rencontre led to the correspondence which accompanies this communication, and which has finally resulted in Mr Saligny's refusing all farther intercourse with this Government.

You will perceive by the correspondence that the legal and necessary steps were immediately taken by this Department for the prosecution and punishment of Bullock for the alledged attack upon Mr. Saligny's servant, and that notwithstanding the embarrassments thrown in the way of that prosecution by Mr. Saligny's refusing to permit his servant to give testimony in the only way known to our Constitution and Laws, it nevertheless resulted in causing Bullock to be bound over to our Criminal Tribunals to answer for the offence.

In the result of this proceeding Mr. Saligny by his letter of the 28th February, expresses himself satisfied, and yet in his letter of the 21st March in answer to my communication enclosing him a copy of Bullock's memorial to this Government asking redress for his grievances, he taunts and reproaches the Government with not having given satisfaction for the alledged assault made upon his servant.

Some time after this, as you will see from the correspondence, the Controversy between Bullock and Mr. Saligny assumed a more serious aspect, in consequence of Bullock's ordering him not to come upon his premises. This act of Bullock met the unqualified reprobation of the President and his Cabinet, and without the threats and taunts of Mr. Saligny, have been prosecuted and punished with the utmost severity of the Law. But the official letter of Mr. Saligny, communicating the transaction to the Department, combined with his indelicate threats made on various occasions in conversations with others of the vengeance of France, evinced so gross a departure from Official propriety, that I felt it to be my duty in replying, to call his attention in a more particular manner than I had previously done, to his course, and to say to him (while reiterating the assurances that all the protection which the laws afforded, should most cheerfully be given him) that if these assurances, and the readiness which we had at all times evinced to carry them out, did not satisfy him, his passports would be furnished upon demand.

This seemed to be the only alternative left to us by his arrogant Deportment, by his repeated threats to produce a war between the two Countries, and by a series of other insults in reference to the Officers of this Government which he was daily offering.

Had we been permitted to entertain the belief that Mr. Saligny's course had resulted from an irritated state of feeling induced by his controversy with Mr. Bullock, we would have borne with it however discourteous and disparaging to this Government, might have been his remarks; but previous transactions, notorious to every ominin

this community forbid our placing upon his conduct that charitable interpretation. Sometime previous to his first official communication to this Department respecting the conduct of Bullock, he had procured to be presented to the Congress a bill asking for a grant of three millions of acres of land, and other large privileges, to be conferred upon two French Gentlemen named in the bill, and such other persons as they might associate with themselves. In the benefits to result from this bill (should it become a law) it was understood that Mr. Saligny was to be the principal participant, and during its progress through Congress, he was constant in his attendance before the different branches of the Legislature, encouraging its friends, and attempting to overawe and frown down those who were opposed to it. I, at that time, was a member of the Representative branch of Congress, and looking upon the bill as a most extraordinary one, and wholly adverse in its most prominent features to the interests of my Country, I opposed its passage, and for that act I, in common with other members who voted against it, not only incurred the censure and abuse of Mr. Saligny at the time, but I have from thence up to the present moment, been the object of his continued vituperation and abuse.

About the time of the adjournment of Congress it was understood that I would be invited into the President's Cabinet, and placed at the head of the Department over which I now preside, and to shew Mr Saligny's hostile feelings towards me, he declared, as I am creditably informed, that if I took charge of the Department of State, he would cease all intercourse with the Government. From these circumstances, and from his repeated street conversations in reference to me, I can form no other opinion than that the whole of the dissatisfaction expressed by him towards this Government, has had its origin in the defeat of his "Franco-Texian" bill, and the part which I took as a member of Congress in the discussions upon that bill. His controversy with Bullock has been made the pretext for his animadversions, but the real cause of his discontent was the defeat of his bill, and the calling of me to the Cabinet, and he seems to have set out with the determination of either driving me from the Cabinet, or of producing a rupture between this Country and France.

Since his letter of the 31st. March, he has refused all intercourse with the Government, but declines taking his passport, saying that he will remain in the Country until a new administration comes into power, and that in the mean time he will continue his intercourse with the people, as he believes they will sustain him against the Government, thus attempting to create parties, hostile to the administration of the Government to which he is accredited. Indeed since the discontinuance of his Official intercourse, he has, by exhibiting garbled parts of the correspondence, procured through his friends the getting up of public meetings, the avowed objects of which were to pass upon what he calls the controversy between himself and the Government, and in which the most inflammatory speeches are delivered and uttered against the administration.

And it is not alone in his attempts to array a party against the administration of the Government in this Country, that Mr Saligny has departed from that propriety of deportment which should have characterized his course, but he has gone even farther, in his interference in our affairs, by attempting to produce difficulties in our negotiations with Mexico which in themselves, are sufficiently delicate and embarrassing. While we were preparing a mission to Mexico, under the convention recently entered into with Great Britain, the object of which is to negotiate a peace with that Government, Mr. Saligny stated to several, that he had written or would write to the French Minister at Mexico, giving him an account of his quarrel here, with the intention that it should meet our Minister upon his arrival in that Country, and as it was intimated, to prevent his reception or otherwise embarrass his negotiations.

However much the President was disposed to look over what he

compelled to regard as the improprieties of Mr. Saligny, while his acts were confined to the limits of the Republic, and being known could be duly appreciated, he could not with any degree of justice to the Country, permit this last act to pass by unnoticed, and without communicating it to his Government. He therefore directs me to say to you, that you will make these things known to the King and Government of France, and respectfully to ask the recall of Mr. Saligny, believing as he does that after such a course of conduct, his longer residence here can not be rendered profitable to his own Nation, or be calculated to secure and promote that friendship and harmony between the two Governments which is so earnestly desired by this.

The President directs me to say to you, that while addressing the French Government relative to this most unpleasant affair, you will not fail to give it the strongest assurances of our gratitude for the friendly sentiments heretofore manifested by it towards us, and the great desire which we feel to maintain the most amicable relations with it, and the people of France, and you will at the same time give the assurance, that a disposition sincerely felt, not to take any step which might seem even for a moment calculated to disturb those relations, has restrained the President up to the present time, from complaining of Mr. Saligny's course to his Government, and would have restrained him still longer, could he have entertained the hope that his forbearance would be appreciated by Mr. Saligny, or have induced him to pursue a course, less derogatory to his character as the Representative of a great and friendly nation.

In looking over the correspondence, you will observe that it has been badly copied, a fact which did not come to my knowledge until it was too late to prepare another copy for the conveyance by which this is sent. It is however substantially correct, and you will be able to extract such matters from it as you will find necessary to lay before the King's Government.

This business, has from its commencement, been regarded by this Department as a most unpleasant one, and I have endeavored, as far as it was possible, without an utter disregard to the respect which was due to ourselves as a Nation, to prevent its assuming the character which I am now compelled to give it. We would have borne much from Mr. Saligny, and did bear much, in consideration of the Nation he represented, before we would allow ourselves even to notice a series of arrogant assumptions, and threats, made not so much in his correspondence with the Department, as in his conversation with others, with the view of their exercising an influence upon the administration by exciting the public mind with the fear of his producing a state of hostility between the two Countries; but when he undertook to interfere with the foreign relations of this Country, relations in which his Government had no interest, and that too for the purpose of embarrassing us, in a most important and delicate mission, we could no longer look upon forbearance as being proper, either as respected ourselves, or as respected the King & Government of France.

While presenting these things therefore to the Government of the King, with all the delicacy which the occasion requires, you will remonstrate with proper firmness, against the longer residence of Mr. Saligny in this Country; at the same time giving the most unqualified assurance of our desire, that the friendly intercourse between the two Governments may be resumed, and kept up, through the medium of such other agent as the King may be pleased to send to this Country.

I have the honor to be,
with great respect,
Your Obd.t Serv.t
Ja.s S. Mayfield
Secretary of State.

Department of State
Austin 22d March 1841.

Hon. James Webb,

Sir,

The President having appointed you Minister Plenipotentiary for the Republic of Texas, to the Republic of Mexico, I have the honor to hand you herewith your commission and credentials as such, and to inform you, that you will find prepared for you at Galveston, under instructions from the Secretary of War & Navy, one of the public armed Vessels, to take you and your suite to Vera Cruz, or such other port on the Coast of Mexico, as you may select for your debarkation.

By a convention entered into between Lord Palmerston and Gen. Hamilton on the 14th day of Novr. last, (a certified copy of which, with its ratification, is furnished you,) you will perceive that her Brittanic Majesty's Government has offered its interposition and Mediation in the settlement of the differences existing between this country and Mexico, and the primary object of your Mission is to open and conduct such negotiations under the auspicious influences of that Mediation, as it is hoped, will lead to the establishment of a permanent Peace. You will therefore advise freely with the Hon. Mr. Packenham, Her Brittanic Majesty's Minister at Mexico, as to the preliminary measures, you may find it necessary to adopt, and after consultation, pursue such plans as may appear most advisable for the attainment of the objects you have in view, not departing from the spirit of your general instructions.

Upon your reaching the Mexican Coast you will make known to the commandant of the place, at which you shall seek to land, through such channel as you may find most convenient, the objects of your mission, and if you are not immediately furnished by him with the necessary safe conducts and passports for the City of Mexico, you may adopt such measures as you may deem most advisable for communicating with Mr Packenham, with the view of ascertaining through him, whether or not you will be received and accredited as the Agent of this Government for the purpose of entering into the negotiations contemplated by the convention to which I have referred you; and in the mean time, you will remain in Port, if permitted to do so until you receive answers to your despatches. Otherwise you will proceed to some more friendly Port, where you will remain until such time as you may expect replies from Mr. Packenham.

The vessel which will take you down, will be entirely under your control and direction as regards her movements until you shall have finally discharged her from this service: you will therefore at all times freely give such instructions to the officer who will be in command of her, as you may deem best for your purposes, and under such instructions he will take you from place to place as circumstances may require.

Should negotiations be opened with the authorities of Mexico, you will consider the letter addressed by this Department to the Hon. Barnard E. Bee, under date of February 20th 1839 as the basis of the instructions under which you will conduct those negotiations, except so far as the same is modified by the Convention with England and by specific points of instruction hereinafter contained.

It has suggested itself to the President that in your discussions respecting boundary, embarrassments may arise which will be difficult to adjust growing out of the locality of the harbor known as the Brasos Santiago and its importance to the Rio Grande, as being the only convenient shipping port for the commerce of that River. This harbor is entirely within the limits of Texas, as defined by the act of Congress of 19th Dec. 1836 and as nothing less than those limits can be accepted for our boundary you may find this the most difficult point of adjustment which will be presented in your negotiations. It is certainly not to be expected that Mexico will willingly

entire control of a Port, so essential to the existence of all commercial advantages which she may expect to derive from the Navigation of the Rio Grande, and this consideration may prevent their conceding to us that River as the proper boundary between the two Countries, when no other would be of sufficient importance to be particularly insisted upon. It is certainly desirable that we should possess the entire and exclusive control over all the harbors and waters within our acknowledged limits, and it is expected that you will urge the right to the exercise of such exclusive control over the harbor of the Brasos Santiago so long as you can do so without jeopardizing your whole negotiations. This however must be avoided if it can be done by a reasonable and fair compromise of the question; for the establishment of Peace with Mexico, is at this time a matter of too much importance to the prosperity of Texas, to permit us to insist upon points, which would defeat it, when those points do not involve the honor or integrity of the Nation, or the yielding of any essential right. I am therefore instructed by the President to say to you, that should Mexico claim the right to the free use of the Brasos Santiago as a sine qua non to a treaty of peace and recognition, you are at liberty to concede it so far as to stipulate that she shall have the free right to enter it with her vessels, and commerce at all times, and as freely depart from it, without being subject to any of the rules or restrictions which may be adopted by this Government for the regulation of its own commerce, and that she shall also be entitled to some convenient position upon it, as a place of deposite for her merchandise and produce, and to a free transit across the land for such merchandise and produce to the most convenient point for shipment upon the Rio Grande: and that these privileges shall be continued to her as long as the Country bordering on the Western Bank of the River shall remain under the control of, and belong to her Government, but should that Country either by treaty with a foreign power, or by other means pass into other hands, and be no longer under the control of her authorities, such stipulation is to cease, and all future regulations upon the subject will be considered as open to Negotiation with the power that may then claim the joint right with Texas to navigate the river. As the continuance of uninterrupted harmony between the two Countries will be of vast importance to both, should their present difficulties be adjusted, you may for the purpose of showing our desire to promote it, stipulate that this Government will hereafter by the rigid enforcement of its laws, prevent as far as possible all encroachments by its citizens upon the Mexican Territory, and all interference on their part in her domestic affairs, or in any internal difficulties which may arise between the Mexican States or any of the citizens thereof.

It is not considered necessary in this communication to advert in detail to the various points which should be embraced in a Treaty, either of peace and recognition, or of commerce with Mexico. You are intimately acquainted with the condition of the Country and what is essential to its prosperity, and the President relying upon your judgment and discretion in conducting the negotiation must cheerfully confides to you its details under the fullest assurance that the honor, interest and character of Texas will be maintained by you, and will be safely preserved in your hands.

If after the commencement of your negotiations, you shall find a disposition manifested by those with whom you are treating, to protract them for the purposes of delay, without exhibiting a serious inclination for adjustment, you will at any moment be at liberty to bring them to a close, and return home, and will not be required to wait for special permission to do so from this Department. This however must

be left entirely to the exercise of a sound discretion, which while it will dictate the propriety of putting an end to useless and unmeaning discussions that can result in no benefit, will equally suggest to you the impropriety of urging with intemperate haste and pertinacity matters which you deem essential, and which you may by mildness and forbearance ultimately succeed in attaining.

If you are not permitted to open negotiations with the Government of Mexico, or having opened them, should find it necessary to discontinue them, without any beneficial results, you will after notifying this Government of of the fact, be at liberty to return by the way of Yucatan, and ascertain what part the Government of that Country would be willing to take in a war which Texas might be controlled to wage against Mexico. In doing this however it is only expected that you will sound the people of Yucatan on the subject, as you are not furnished with authority to enter into any Treaty stipulations, but you may suggest to the authorities the propriety of their sending an Agent to this Government with full powers to treat, and you may give them assurances of our friendship and willingness to receive such an agent.

In conducting negotiations of so much delicacy and importance as those with which you are charged to the Government of Mexico, to a final and satisfactory conclusion, the President is aware that a control of funds beyond what is allowed for your salary and outfit may be essential to you. He has therefore, given me instructions to furnish you with authority to draw either directly upon this Government, or through our Loan Commissioners, for any sum not exceeding fifty thousand dollars, which you may deem necessary, but it is expected that this right to draw for funds will not be exercised except you find it absolutely essential to your success.— In this however, as in most other things connected with your mission, your own discretion must be the guide for your conduct, as your well known character for honor and probity, is with him a sufficient guarantee that his confidence in its exercise will not have been misplaced.

Wishing you full success in the accomplishment of the arduous duties you have undertaken, and a safe return to your Country and Friends,

I have the honor to remain
with high respect,
Your Obt. Servt.
J. S. Mayfield.

Department of State
Austin 16th Sept. 1841.

Sir,

Genl Hamiltons letter of the 22nd July covering a copy of a communication addressed by you to [illegible] on the 14th of the same month has been received.

It is hoped that before this letter reaches you the [illegible] business will be satisfactorily adjusted a matter at this time of very serious importance to the prosperity of this Country. Early information as to that effect will be extremely gratifying to the President.

The President has been pleased to confer on you the appointment of Chargé d'affaires near the Court of St Cloud. You will find your commission and letters of credence enclosed.

This appointment would have been made long before this — but hitherto it has been wholly impossible to pay your outfit — nor is it even now certain that this can be done but from the general tenor of General Hamiltons letter of the 22nd July, we have reason to believe that a draft on him would be honored for the amount of your outfit and half years salary. I cannot however venture to draw on him until certain information is received of the success of his labor. You can communicate with Genl H. and if he is in funds from the sale of our bonds you will be authorized to draw on him for outfit and 1/2 year salary

I have the honor to be
Your Obt Servant
Saml A Roberts
Secretary of State.

Geo S. McIntosh Esq.
&c &c &c

P.S. I am instructed to say that a commission and credentials were made out for you, of the date of the foregoing letter, but upon reflection the President concluded not to forward it until the convening of Congress when your appointment will be confirmed, which commission and credentials I now have the pleasure of enclosing you

I have the honor to be,
Your Obt Servant
Jos Waples
Chief Clerk Dept State

To His Excellency
The Minister of Foreign Affairs
of the Government of France,

Sir,

The President of the Republic of Texas having thought proper to appoint Mr George S. McIntosh Chargé d'affaires from this government to the Government of his Majesty the King of the French I have the honor of announcing the same to your Excellency, and of praying you to give credence to whatever he shall say to you on my part. He knows the concern our Republic takes in the interest and prosperity of the Kingdom of France, our strong desire to cultivate her friendship, and to deserve it by all the good offices which may be

in our power. He knows also my zeal to promote them by whatever may depend upon my ministry. I have no doubt that Mr. McIntosh will so conduct himself as to merit your confidence; and I avail myself, with pleasure, of this occasion to offer you assurances of my high and distinguished consideration

Saml. A. Roberts.

Department of State
Austin Decr. 3d. 1841.

Department of State
Austin, Decr. 16th. 1841

Sir,

The undersigned, Secretary of State of the Republic of Texas has the honor to inform you, that in conformity with the constitution of this Republic a new administration commenced its operations on the 13th. inst. with the following officers, viz

Sam Houston	President
Edward Burleson	Vice President
Cabinet	
Anson Jones,	Secretary of State
George W. Hockley	Secretary of War and Navy

The other offices of the Cabinet have not yet been filled.

The undersigned is desired by the President to present to you his high consideration, and that you will tender to the Government you represent assurances on his behalf of a continuation of those kindly feelings which have existed between that and this Government.

The undersigned avails himself of this occasion to offer assurances of his high consideration and respect.

Anson Jones.

Hon. Joseph Eve
Chargé d'affaires
of the Government
of the United States.

Department of State
Austin Decr. 27th. 1841.

Hon. Barnard E. Bee

Sir,

The President having been pleased to appoint Mr. James A. to succeed you as the Chargé d'affaires of this Republic near the Government

States, and to grant you permission to return home, I have the honor, by his direction to enclose you herewith your Letter of Recall. This is addressed to the Secretary of State of the United States, of whom you will please take the usual leave by letter, (if this does not find you at Washington) as it may be inconvenient for you to visit the Federal City, to take leave in person.

Not being accurately informed of your present place of stay, I forward two copies of this communication, one to Washington City, the other to New Orleans, the latter to the care of the Texian Consul. The Letter of Recall accompanies the copy sent to the last mentioned place.

I am also directed by the President respectfully to inform you that he views your long absence from Washington as a desertion of your Post injurious to the interests of this Government and disrespectful to that of the United States.

I have the honor to be,
With high regard,
Your Obt. Servt.
Anson Jones.

Department of State
Austin, Decr 27th 1841.

To His Excellency,
The Minister of Foreign affairs
of the United States.

Sir,

Mr. Barnard E. Bee who has for some time past resided near the Government of The United States in the character of Chargé d'affaires of the Republic of Texas, being about to return to his Country, I have directed him to take leave of your Excellency, and to embrace the opportunity offered by the Occasion to convey through you to the President of the United States the friendly sentiments entertained towards him by the President of the Republic of Texas, and his ardent and sincere desire to continue and improve the relations of harmony and friendship now so happily existing between the two Countries.

I avail myself of this occasion to offer to your Excellency the assurances of my distinguished consideration.

Anson Jones

Department of State
Austin, Decr 28th 1841.

A. Amory Esqr.
Secretary of Legation
of the Republic of Texas,

Sir,

In the absence of the Chargé d'affaires of this

Republic at Washington, you will communicate to the Government of the United States information that, in conformity with the Constitution, a new administration of the Government of this Republic commenced its operations on the 13th inst., constituted as follows, viz.

Sam Houston	President
Edward Burleson	Vice President
Cabinet	
Anson Jones	Secretary of State
Geo. W. Hockley	Secretary of War and Navy.
Geo. W. Terrell	Attorney General

You will avail yourself of the opportunity afforded by this occasion to make known to the Government of the United States the friendly feelings entertained by his Excellency, the President, towards the mother Republic, and his ardent desire to continue and preserve harmony and a good understanding between the two Countries.

I have the honor to be,
With great respect,
Your Obt. Servant
Anson Jones

Department of State
Austin, Dec. 30th 1841.

Sir,

The undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note of Mr. J. Eve, chargé d'affaires of the United States of the 20th inst. communicating information of injuries said to have been sustained by Indians domiciliated within the United States from certain citizens of Texas, requesting an enquiry into the matter on the part of this Government, and if they shall have been made as represented, that the Authors thereof be suitably punished, and also that the Government of the United States expects that sufficient means be employed by Texas to guard against a repetition of such proceedings.

The undersigned has the honor in reply to inform Mr. Eve, Chargé d'affaires of the United States, that instructions will be immediately issued to the District Attorney of the proper Judicial District to cause a strict enquiry to be made into the circumstances of the trespasses complained of, and if made as represented the authors of the offences to be promptly punished in accordance with the requirements of our laws.

The President before whom Mr. Eve's note has been laid, has also directed the undersigned to assure Mr. Eve that, deeply impressed with the importance it is to the interests of both Countries, and the continuance of the friendly relations now existing between them and which it is his strong desire to promote, that each should restrain their citizens from trespassing upon those of the other, he will employ every necessary means within his disposal, to prevent the occurrence of any such proceedings as those complained of, in future, on the part of citizens of this Republic.

The undersigned embraces this occasion to renew to Mr. Eve the assurances of his high consideration.

Anson Jones.

Hon. Joseph Eve,
Chargé d'affaires of the U. States.